

PDR 016



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

June 18, 1982

Nicholas S. Reynolds, Esquire
Debevoise & Lieberman
1200 Seventeenth Street, N.W.
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-82-195

Dear Mr. Reynolds:

This is in further response to your letter dated April 13, 1982, in which you requested, pursuant to the Freedom of Information Act, documents prepared by the NRC relating to the Commission's decision to extend the February 1, 1982, deadline to licensees to implement prompt public notification systems.

The documents listed on Appendix A are responsive to your request. Documents 1-16 are being placed in the NRC Public Document Room. A copy of document 17 may be obtained by writing directly to the address listed below:

National Technical Information Services
5285 Port Royal Road
Springfield, VA 22141
Telephone: (703) 487-4650

The documents listed on Appendix B are being withheld in their entirety. These memoranda provide an analysis concerning a matter subject to Commission deliberation that constitute confidential advice, opinions, and recommendations of the Commissioners' personal staff. They contain no reasonably segregable factual material. Release of this information would tend to inhibit future communication between Commissioners and their personal advisors, communication which is essential to the deliberative process. This information is being withheld from public disclosure pursuant to the deliberative process privilege of Exemption (5) of the Freedom of Information Act (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations.

Pursuant to 10 CFR 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for this denial is Mr. Samuel J. Chilk, Secretary of the Commission.

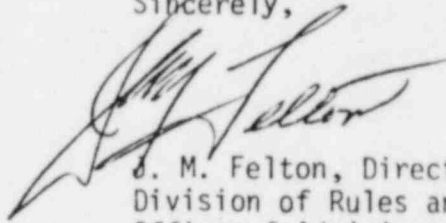
Mr. Nicholas S. Reynolds

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This denial may be appealed to the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

The review of additional documents subject to your request is continuing. When this review is complete, you will be advised of our determination.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Felton". The signature is fluid and cursive, with a large initial "J" and "M".

J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: As stated

Appendix A

1. Author unknown, "Possible Impacts of Deferring Emergency Notification," (undated).
2. SECY-80-275, "Final Rulemaking on Emergency Preparedness," June 3, 1980.
3. Memo for William J. Dircks, from John C. Hoyle, "Staff Requirements -- Discussion of Enforcement Action Implementation of Plant Early Notification Systems," August 14, 1981.
4. Memo for the Commission from Commissioner Ahearne, SECY-81-469, "Prompt Public Notification - Decision on Enforcement Action," and SECY-81-503, "Proposed Amendment to 10 CFR Part 50, Appendix E -- Implementation Date for Prompt Public Notification Systems," August 25, 1981.
5. Letter to Chairman Palladino from Steven C. Sholly, UCS, re: 15-minute notification system, September 1, 1981.
6. Memo from Samuel J. Chilk, to William J. Dircks re: Staff Requirements - Affirmation Session 81-32 dated September 4, 1981.
7. SECY-81-669, "Final Amendments: (A) To 10 CFR Part 50, Appendix E, Delaying Implementation Date for Prompt Public Notification Systems, (B) to 10 CFR 50.54(s)(2), Clarifying Four-Month Extension Period," November 27, 1981.
8. Memo to Samuel J. Chilk from T. A. Rehm, "SECY-81-669," December 7, 1981.
9. SECY-81-669A, "Implementation Status of Prompt Notification Systems," December 11, 1981.
10. Memo to Various Addressees from Samuel J. Chilk, "Staff Requirements - Affirmation Session 81-46," December 18, 1981.
11. Memo to William J. Dircks from Victor Stello, "Emergency Planning Zone Practices - 5 and 10 Mile Distances from Reactors," February 2, 1982.
12. Memo to Chairman Palladino from William J. Dircks "Evacuation," February 11, 1982.
13. Memo to William J. Dircks from Richard C. DeYoung, "Letter from Northeast Utilities Regarding Prompt Notification Systems," March 29, 1982.
14. Memo to the Commission from William J. Dircks, "Implementation Status of Prompt Notification Systems," March 30, 1982.
15. Letter to Mr. Chauncy Starr, EPRI, from Richard W. Krimm, FEMA, April 8, 1982.

Appendix A

16. Letter to W. H. Owen, Duke Power Co., from Richard W. Krimm, FEMA, April 8, 1982.
17. NUREG-0396, "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants," December 1978.

Appendix B

1. Undated, untitled handwritten chart prepared by K. Bissell, Assistant to Comm. Ahearne, evaluating utilities having difficulty meeting 2/1/82 deadline.
2. December 16, 1981, memo from Jack Roe to Chairman Palladino relating to SECY-81-669.
3. Note to Comm. Ahearne from J. Blaha, Assistant, dated December 3, 1981, containing analysis and recommendations concerning SECY-81-669.

POSSIBLE IMPACTS OF DEFERRING EMERGENCY NOTIFICATION

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A-1

1. The impact of deferring the requirement for 15 minute notification (deferred as delaying the requirement to a specific date up to six months - January 1, 1982):
 - Would slow the overall implementation of emergency preparedness, particularly in the State and local government programs.
 - Would slow the licensee's program since it would indicate a relaxation in NRC position on emergency preparedness and would delay by six months the capability for alerting the public of emergency or potential emergency situations.

2. The impact of deferring the requirement for 15 minute notification (deferred as indefinitely delaying the requirement in the 5 to 10 mile area of the EPZ only):
 - Would slow the overall implementation of emergency preparedness particularly in State and local government programs.
 - Would essentially stop local government programs in local political jurisdictions that were beyond the five mile limit.
 - Would stop installation of warning systems by the licensee beyond 5 miles.
 - Would be contrary to previous agreements with FEMA since this is a joint agency program under NUREG-0654, Revision 1, and would be a unilateral action that also would greatly effect the State and local programs.
 - Would indicate that the NRC might be considering changing the size of the plume exposure EPZ which would require rewriting the emergency preparedness rules 10 CFR §§ 50.33, 50.47, 50.54, and Appendix E.

3. The impact of deferring the requirement for 15 minute notification (deferred as indefinitely delaying the requirement):
 - Would essentially stop most emergency preparedness and protective action planning at the State and local government level because this act eliminates the NRC offsite efforts to alert the public.
 - Would greatly delay the installation of emergency systems by licensees who would interpret this action along with the relaxed EOF location decision as the NRC gradually returning to its pre-TMI mentality with regard to emergency preparedness.
 - Would be seen as a signal that 10 CFR 50 emergency preparedness requirements might be relaxed.
 - Would be seen by FEMA as NRC unilateral downgrading of the need for Radiological Emergency Response Planning.

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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June 3, 1980

SECY-80-275

CONSENT CALENDAR ITEM

For: The Commissioners

From: Robert B. Minogue, Director
Office of Standards Development

Thru: Executive Director for Operations *W. J. ...*

Subject: FINAL RULEMAKING ON EMERGENCY PREPAREDNESS

Purpose: To obtain Commission approval for publication of the final rule change in the Federal Register.

Category: This paper covers a major policy question.

Issue: How the emergency planning rule changes should be finalized, including consideration of the public comments received.

Background: In mid 1979, The Commission directed that rulemaking on the subject of emergency planning be undertaken and considered a matter of high priority and that the rulemaking procedure be completed expeditiously. On July 17, 1979, the Commission published an Advance Notice of Proposed Rulemaking (44 FR 41483) on the subject of State and local governmental emergency response plans and those of licensees. Approximately 90 comment letters were received in response to this Advance Notice and the staff analysis of these comments was published in NUREG-0628, January, 1980.

On September 19, 1979, the Commission published for public comment (44 FR 54308) proposed amendments to its regulations concerning the maintenance of emergency plans and a requirement that research reactors establish and submit emergency plans to NRC. On December 19, 1979, the Commission also published for public comment (44 FR 75167) proposed amendments for the upgrading of its emergency planning regulations. The comments received and the staff's evaluation are contained in NUREG-0684. In addition, the NRC conducted four Regional Workshops to present the proposed rule changes and solicit comments. These comments are available in NUREG/CP-0011 (April 1980). The staff considered the information received at these workshops and that submitted by the comment letters (more than 170 received) in developing the final rule changes.

On April 22, 1980, the ACRS Subcommittee on Site Evaluation met with the staff and reviewed the proposed rule changes that were published in the Federal Register on December 19, 1979 (44 FR 75167). On May 1, 1980, the full ACRS met and discussed the proposed rule changes along with the staff's proposed changes in the final rule. The ACRS comments resulting from these

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Contact:
Mike Jamgochian, 443-5966

meetings are attached as Enclosure G. The staff's resolution and analysis of those comments are attached as Enclosure L. The ACRS Subcommittee on Site Evaluation again met on May 22, 1980 to review a draft of the staff's proposed final rule changes. The full ACRS is scheduled to review the draft proposed final rule changes in early June 1980. These additional ACRS meetings and reviews will undoubtedly result in additional comments from the ACRS. The staff will respond to these either in a supplement to this paper or at the Commission briefing.

Discussion:

The subject rule changes are considered an upgrade of NRC emergency planning regulations that will provide prompt clarification and expansion in areas perceived to be deficient as a result of past experiences. The staff anticipates that further changes in the emergency planning regulations may be proposed as more experience is gained by implementing these revised regulations.

The rule changes involve the following three major changes from past practices:

1. In order to continue operations or to receive an operating license, the NRC will require that an applicant/licensee submit their emergency plans, as well as, State and local governmental emergency response plans to NRC. The NRC will then make a finding as to whether the state of onsite and offsite emergency preparedness provides reasonable assurance that appropriate protective measures can and will be taken in the event of a radiological emergency.

The NRC will base its finding on a review of the Federal Emergency Management Agency (FEMA) findings and determinations as to whether State and local emergency plans are adequate and capable of being implemented and on the NRC assessment as to whether the licensee's/applicant's emergency plans are adequate and capable of being implemented. Specifically:

- a. An Operating License will not be issued unless a favorable NRC overall finding can be made.
 - b. After January 1, 1981, an operating plant may be required to shutdown if it is determined that there are such deficiencies that a favorable NRC finding cannot be made or is no longer warranted and the deficiencies are not corrected within 4 months of that determination.
2. Emergency planning considerations must be extended to "Emergency Planning Zones," and

3. Detailed emergency planning implementing procedures of both licensees and applicants for operating licenses must be submitted to the I&E regional office for review.

In addition, the staff is revising 10 CFR Part 50, Appendix E, "Emergency Plans for Production and Utilization Facilities," in order to clarify, expand, and upgrade the Commission's emergency planning regulations.

The staff has concluded and recommends that the following substantive changes should be made in the proposed rule changes which were published on December 19, 1979 (44 FR 75167). These changes are reflected in the final rule text, which is included in the proposed Federal Register Notice provided as Enclosure B.

1. The term "Concurrence" has been deleted from the regulations and replaced with a description of the actual procedure and a listing of the sixteen planning objectives that NRC and FEMA have agreed upon for the upgrading of emergency preparedness around nuclear facilities. These objectives and their acceptance criteria are in NUREG-0654; FEMA REP-1, titled "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants for Interim Use and Comment," January 1980. The staff plans to withdraw and subsequently revise Regulatory Guide 1.101 "Emergency Planning for Nuclear Power Plants" in the near future because NUREG-0654 now contains the most updated guidance for the development of adequate emergency response plans. According to the agreed upon procedure, FEMA will make a finding and determination as to the adequacy of State and local governmental emergency response plans, and the NRC staff will determine the adequacy of licensee emergency response plans. After these two determinations have been made, the NRC will make a finding in the licensing process as to the overall and integrated state of preparedness.

This conclusion that the term "concurrence" should be deleted was reached primarily because it was pointed out to the staff at the workshops and in the public comment letters that the term "concurrence" was confusing and ambiguous. Part of this confusion was due to the Commission's previous practice in this area whereby the obtaining of NRC "concurrence" in State emergency response plans was voluntary on the part of States and not a regulatory requirement in the licensing process. Also, in the past, NRC "concurrence" was not site specific but was State wide. In this regard,

a paragraph has been added to the supplemental information which clarifies and provides detailed information concerning the FEMA/NRC working relationship and the interaction of these agencies with State and local governments and the licensees in the implementation of this regulation (see FEMA/NRC Memorandum of Understanding, January 1980, (45 FR 5847), also see Enclosure H.

2. The requirement for a capability to notify the public within 15 minutes after the State/local authorities have been notified by the licensee has been moved from a footnote to the text of Appendix E and has been expanded and clarified. Furthermore, the implementation schedule for this requirement has been extended to July 1, 1981. This extension is suggested because many State and local governments convinced the staff of the difficulty in procuring hardware, contracting for installation, as well as developing procedures for using the systems needed for implementing this requirement. The required implementation date for all other areas of the rule changes is January 1, 1981. For a more detailed discussion of this major issue see page 22 of Enclosure B.
3. A paragraph has been added to the supplemental information of the rule change addressing the funding of emergency planning. The staff felt that this paragraph was needed because of the great number of funding questions that surfaced at the workshops and in the public comment letters.

Rationale for
Alternatives
Chosen:

In six places in the proposed rule changes, the Commission identified two alternatives that it was considering. Considerable public comments were received on these alternatives and after due consideration of all comments received, as well as the discussions presented during the workshops, the following alternatives are recommended by the staff to be used in the final rule changes.

In Sections 50.47 and 50.54(s) and (t), the alternatives dealt with conditioning the issuance of an operating license or continued operation of a nuclear power plant on the existence of State and local government emergency response plans "concurrent in" by NRC. The basic difference between alternatives A and B in these sections was that under alternative A, the proposed rule would require a Commission determination on issuing a license or shutdown of a plant where relevant State and local emergency response plans do not receive or subsequently lose NRC concurrence. In alternative B, denial of a license or

shutdown of a reactor would be required automatically where the appropriate State and local emergency response plans do not receive NRC concurrence within the prescribed time period or lose concurrence, unless an exemption is granted.

After careful consideration, the staff concludes that alternative A for Section 50.47 and 50.54(s) and (t) is preferred primarily because it will provide more flexibility for the Commission. Alternative B however, appears to have the possibility of causing unnecessarily harsh economic and social consequences to State and local governments, utilities and the public. This position is consistent with most of the comments received from State and local governments.

In Appendix E, Section II C (relating to PSAR's) and III (relating to FSAR's), alternative A would require an applicant/licensee to outline "...corrective measures to prevent damage to onsite and offsite property," as well as protective measures for the public. Alternative B only addresses protective measures for the public health and safety. The staff concludes that alternative B is preferred in both cases because public health and safety should take clear precedence over actions to protect property. Measures to protect property can be taken on an ad hoc basis as resources become available after an accident.

In Appendix E, under Training, alternative A would require a joint licensee, Federal, State and local government exercise for each site every 3 years, whereas alternative B would require these exercises to be performed every 5 years. This is in addition to the requirement that the licensee must have an annual exercise with the local governments. The staff concludes that alternative B is preferred because of the probable inability of the Federal emergency response agencies to support exercises every 3 years for all of the nuclear facilities that would be required to comply with this regulation. Moreover, the staff is satisfied that the requirement that exercises be performed every 5 years for each site will provide an adequate level of preparedness among Federal, State and local emergency response agencies.

Costs of
Implementation:

Based on the results of an analysis presented in NUREG-0553, the staff estimates that typical costs for State and local government programs to achieve upgraded radiological emergency response plans for a 10-mile Emergency Planning Zone are as follows: for a State, the initial costs of planning, exercise, training and resources (communications and radiation monitoring instrumentation) will typically total about \$240,000 with associated annual updating cost

of about \$44,000. For local governments, initial costs will typically total about \$120,000 (considering an average of four jurisdictions) with annual updating costs of about \$30,000. Thus the typical total costs to State and local governments to achieve a favorable finding from NRC in regard to their emergency response plans would be about \$360,000 initial costs, plus \$74,000 in annual updating costs. In addition, the staff estimates a one-time cost of \$500,000 to \$750,000 per facility for the public notification system.

Estimated NRC resources necessary for effective implementation of this regulation are outlined in Enclosure M.

Recommend that
the Commission:

1. Approve publication in the Federal Register of a notice of Final Rulemaking, (Enclosure "B").
2. Note that all applicants and licensees will be notified of this action.
3. Note that a Final Finding of No Significant Impact will be published in the Federal Register prior to the effective date of this regulation.
4. Note that an environmental assessment is attached as Enclosure "I".
5. Note that clearance of the record keeping and reporting requirements of the amendment by the Government Accounting Office is required. A preliminary value-impact assessment and report justification analysis has been made, (Enclosure "C"). This assessment will be updated and used as the basis for requesting GAO clearance.
6. Note that the Senate Committee on Environmental and Public Works, the House Committee on Interior and Insular Affairs, and the Subcommittee on Energy and Power of the House Committee on Interstate and Foreign Commerce will be informed of this action. A sample letter is attached as Enclosure D.

Coordination:

The Offices of Nuclear Material Safety and Safeguards, Inspection and Enforcement, and Nuclear Reactor Regulation concur in the recommendations of this paper. The Office of Public Affairs recommends that a public announcement be issued (see Enclosure "N"). The Executive Legal Director has no legal objection. FEMA concurs with this rule change (see Enclosure O). The Office of Nuclear Regulatory Research has participated in the development of this rule change but will submit comments to the Commission at a later date.

Robert B. Minoguz

Robert B. Minoguz
Office of Standards Development

Enclosures:

- "A" Proposed Rule Changes, Published September 19, 1979 and Proposed Rule Changes Published December 19, 1980
- "B" Proposed Federal Register Notice
- "C" Preliminary Value-Impact Assessment
- "D" Proposed Congressional letter
- "E" Summary of Public Comments
- "F" See SECY-80-261

- "G" ACRS comments
- "H" Proposed FEMA Rule and Policy Statement
- "I" Environmental Assessment
- "K" NUREG-0684 Staff evaluation of all public comments received - To be provided at a later date.
- "L" Analysis of ACRS comments
- "M" NRC Resources necessary for effective implementation of Regulation
- "N" Draft Public Announcement
- "O" Letters from Office Directors and FEMA

Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Wednesday, June 18, 1980.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT June 11, 1980, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an Open Meeting during the Week of June 30, 1980. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

DISTRIBUTION

Commissioners
Commission Staff Offices
Exec Dir for Operations
ACRS
Secretariat

ENCLOSURE A

24. Page 50024, column 2, line 56 is corrected to read, "the payments must, after November 8."

25. Page 50024, column 3, line 8 is corrected to read, "pursuant to Parts 30 and 32-35 of this chapter, a specific source or byproduct material license issued pursuant to Part 40 of this chapter, a".

26. Page 50025, column 1, line 9 is corrected to read, "produced in conjunction with milling".

27. Page 50025, column 1, line 21 is corrected to read, "produced in conjunction with heap-leaching".

28. Page 50025, column 1, line 32 is corrected to read, "Minor . . . *760".

29. Page 50025, column 1, line 45 is corrected to read, "Renewal * . . . *4,800".

30. Page 50025, column 1, line 47 is corrected to read, "Major * . . . *1,200".

31. Page 50025, column 1, line 48 is corrected to read, "Minor . . . *250".

32. Page 50025, column 2, line 2 is corrected to read, "make the amendments to 10 CFR §§ 40.1."

(Secs. 11e.(2), 81, 83, 84, 161b, 161o, 161x, 274; Pub. L. No. 83-703, 68 Stat. 948 et seq. (42 U.S.C. 2014e (2), 2111, 2113, 2114, 2201b, 2201x, 2021)).

Dated at Washington, D.C., this 13th day of September 1979.

For the Nuclear Regulatory Commission,
Lee V. Gossick,

Executive Director for Operations.

(FR Doc. 79-23048 Filed 9-19-79; 8:46 am)

BILLING CODE 7580-01-01

[10 CFR Parts 50 and 70]

Production and Utilization Facility Licensees; Emergency Planning

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations in order to require that all production and utilization facility licensees shall, as a condition of their license, submit emergency plans for NRC review and approval and maintain the emergency plans up to date. The Commission is also proposing to amend its regulations in order to require certain Special Nuclear Material Facility licensees (for processing and fuel fabrication, scrap recovery or conversion of uranium hexafluoride) to maintain the emergency plans up to date.

DATES: Comments should be submitted on or before November 19, 1979.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposed rule change and/or the supporting value/impact analysis to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Single copies of the value/impact analysis may be obtained on request from Michael T. Jamgochian, 301-443-5981. Copies of the value/impact analysis and of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Michael T. Jamgochian, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone: 301-443-5981)

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission is considering the adoption of amendments to its regulation, "Licensing of Production and Utilization Facilities," 10 CFR Part 50, which would require each holder of a license to submit for NRC review and approval the licensees emergency plans which meet the requirements of Appendix E to 10 CFR Part 50 and to require that these plans be maintained up to date.

In addition, the Nuclear Regulatory Commission is considering the adoption of an amendment to its regulation, "Special Nuclear Material," 10 CFR Part 70, which would require certain licensees to maintain up-to-date emergency plans which contain the elements of Section IV of Appendix E of 10 CFR Part 50.

The Commission is also considering, in a much broader perspective, a number of rule changes relating to planning for emergencies. To that end, an Advance Notice of Rulemaking was published in the *Federal Register* on July 17, 1979, 44 FR 41483 to request comments on a number of issues. The issue addressed in this Notice of Proposed Rulemaking is merely one aspect of the broader general issues set forth in that Advance Notice.

Paragraph 50.34(a)(10) of 10 CFR Part 50 requires that an applicant provide in the Preliminary Safety Analysis Report "a discussion of the applicant's preliminary plans for coping with emergencies." Appendix E sets forth items which shall be included in these plans. Paragraph 50.34(b)(6)(v) of 10 CFR Part 50 requires that an applicant provide in the Final Safety Analysis Report "plans for coping with emergencies, which shall include the items specified in Appendix E."

These paragraphs in 10 CFR Part 50 became effective in January 1971; therefore, they were not applicable to production and utilization facilities licensed prior to January 1971.

Discussion for Part 50: The Commission's interest in emergency planning is focused primarily on situations that may cause or may threaten to cause radiological risks affecting the health and safety of workers or the public or that may result in damage to property. The Commission and the public have recognized the increasing importance of emergency planning. Emergency plans should be directed toward mitigating the consequences of emergencies and should provide reasonable assurance that appropriate measures can and will be taken to protect health and safety and prevent damage to property in the event of an emergency. Although it is not practicable to develop a completely detailed plan encompassing every conceivable type of emergency situation, advance planning can create a high order of preparedness, including provisions of necessary equipment, supplies, and services, and ensure an orderly and timely decisionmaking process at times of stress.

Specifically, in January 1971, § 50.34 to 10 CFR Part 50 was modified to require submittal of the licensees emergency plans with Construction Permit and Operating License applications. Appendix E to Part 50 specifies items to be included in the emergency plans. This revision to our regulations has been implemented by the NRC staff for all power and test reactor licensees. While Appendix E did not, strictly speaking, apply to facilities licensed prior to January 1971, the staff, nevertheless, requested the older power and test reactor licensees to meet the terms of Appendix E. All power and test reactor licensees have emergency plans which conform to 10 CFR Part 50, Appendix E. For research reactors, however, the NRC staff is presently requesting that licensees comply with Appendix E when they apply for a renewal of their operating license. While § 50.90 would likely provide a regulatory basis for requiring compliance with Appendix E at the time of a license renewal, this proposed rule change would accelerate that process. It is the staff's intention to use Regulatory Guide 2.8 ("Emergency Planning for Research Reactors") to aid licensees in complying with the proposed rule change.

After careful consideration of the above, the Commission believes that a rule change should be promulgated which would specifically require

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research reactor facility licensees with an authorized power level greater than 500 kW thermal, to submit within one year from the effective date of this rule, emergency plans for NRC review and approval. For all other research reactors, emergency plans shall be submitted within two years from the effective date of this rule. All other production and utilization facility licensees will be legally required to submit emergency plans for NRC review and approval within 120 days from the effective date of this amendment, if they have not done so previously.

Likewise, proper execution of the responsibilities of the licensee requires accurate up-to-date information as a basis for action. Emergency plans are required as a condition of an application (§ 50.34 and § 70.22(i)) and are submitted as part of the FSAR or final license application to address the elements existing in 10 CFR Part 50, Appendix E. Some of the items addressed in the emergency plans are: (1) Means for determining the magnitude of a release of radioactive material; (2) criteria for determining the need for notification and participation of local and State agencies; (3) criteria for determining when protective measures should be considered within and outside the site boundary; (4) onsite decontamination facilities and supplies; and (5) arrangements for services of qualified medical personnel to handle radiation emergencies.

In approving the emergency plans, the Commission must find that the licensee plans conform to the requirements of 10 CFR Part 50, Appendix E, and that the emergency plans provide reasonable assurance that appropriate measures can and will be taken in the event of an emergency to protect public health and safety and prevent damage to property. Once this finding is made, the requirements for maintaining the emergency plans up to date is limited. As the plant gets older, the licensee may make unilateral changes to the emergency plans, such as changing the decontamination facility into a storeroom or changing the criteria for determining the need for modification and participation of local and State agencies, without approval or even notification of NRC. However, Appendix E does provide for the maintenance and inspection of the implementing procedures of the emergency plans.

At this point, a distinction should be made between the licensee emergency plans and the implementation procedures of the licensee emergency plans. As previously stated, emergency plans must be written by the applicant

and approved by the NRC before an operating license can be received. A set of implementing procedures must also be written to transfer the descriptions in the plan into detailed step-by-step instructions for plant personnel. In 10 CFR Part 50, Appendix E, Section IV, Paragraph E, the regulations require "Provisions for maintaining up to date: (1) The organization for coping with emergencies, (2) the procedures for use in emergencies, and (3) the lists of persons with special qualifications in coping with emergency conditions." The details of this information are usually in the licensees' implementation procedures and not in the emergency plans. Thus, the regulations do require that the implementation procedures be maintained up to date. Such procedures are, in fact, inspected by the Office of Inspection and Enforcement periodically. However, there is no specific requirement in the Commission's regulations for licensees to maintain the emergency plans up to date, and this lack of regulation could be detrimental to the public health and safety in the event of an emergency situation. Therefore, the thrust of this part of the rule change is not directed to the implementing procedures but to the licensee emergency plans (as submitted in the FSAR). The effect will be on all licensees of production and utilization facilities.

Part 70: On March 31, 1977, paragraphs 70.22(i) and 70.23(a)(11) of 10 CFR Part 70 became effective and require that each application for a license to possess and use special nuclear material for processing and fuel fabrication, scrap recovery, or conversion of uranium hexafluoride shall contain plans for coping with radiological emergencies. Prior to this date, licensees developed plans for coping with radiological emergencies based on the requirements imposed as a license condition. The March 31, 1977 rule changes specify that the emergency plans shall contain the elements that are listed in Section IV, "Content of Emergency Plans," of Appendix E to 10 CFR Part 50. However, these rule changes do not require the licensee to maintain the emergency plans up to date. It is the Commission's judgment that the licensee emergency plans should be kept up to date in order to prevent potential problems resulting from the use of outdated information.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of

the following amendments to 10 CFR Parts 50 and 70 are contemplated.

Copies of comments received on the proposed amendment may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. Section 50.54 is amended by adding two new paragraphs (q) and (r) to read as follows:

§ 50.54 Conditions of licensees

(q) A licensee authorized to possess and/or operate a facility shall follow and maintain in effect emergency plans approved by the Commission. The licensee may make changes to the approved plans without Commission approval only if such changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the requirements of Appendix E of this chapter. The licensee shall furnish to the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC regional office specified in Appendix D, Part 20 of this chapter, a report containing a description of each change within six months after the change is made. Proposed changes which decrease the effectiveness of the approved emergency plans shall not be implemented without application to and approval by the Commission.

(r) Each licensee who is authorized to possess and/or operate a research reactor facility, with an authorized power level greater than 500 kW thermal, under a license of the type specified in § 50.21(c) and who had not obtained Commission approval of the emergency plans, as described in § 50.34(b)(6)(v), prior to obtaining an operating license shall submit such plans to the Director of Nuclear Reactor Regulation for approval within one year from the effective date of this rule. Each licensee who is authorized to possess and/or operate a research reactor facility, with an authorized power level less than 500 kW thermal, under a license of the type specified in § 50.21(c) and who had not obtained Commission approval of the emergency plans, as described in § 50.34(b)(6)(v), prior to obtaining an operating license shall submit such plans to the Director of Nuclear Reactor Regulation for approval within two years from the effective date of this rule. Each licensee who is authorized to possess and/or operate any other production or utilization

facility who has not obtained Commission approval of the emergency plans, as described in § 50.34(b)(6)(v), prior to obtaining an operating license shall submit such plans to the Director of Nuclear Reactor Regulation for approval within 120 days from the effective date of this rule.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

2. Section 70.32 is amended by adding paragraph (i) to read as follows:

§ 70.32 Conditions of licenses

(i) Licensee required to submit emergency plans in accordance with § 70.22(i) shall follow and maintain in effect emergency plans approved by the Commission. The licensee may make changes to the approved plans without Commission approval only if such changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the requirements of Appendix E, Section IV, of 10 CFR Part 50. The licensee shall furnish to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC regional office specified in Appendix D, Part 20 of this chapter, a report containing a description of each change within six months after the change is made. Proposed changes which decrease the effectiveness of the approved emergency plan shall not be implemented without application to and approval by the Commission.

(Sec. 161b., Pub. L. 83-703, 88 Stat. 948, sec. 201, Pub. Law 93-438, 88 Stat. 1242 (42 U.S.C. 2201(b), 5841))

Dated at Washington, D.C. this 12th day of September, 1979.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-25083 Filed 9-19-79; 8:45 am]

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DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 18]

Annual Report To Shareholders

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Proposed rule.

SUMMARY: This proposed revision incorporates several changes intended to clarify and simplify the form and

content of the annual report to shareholders. Filing requirements are proposed to be deleted. Comment is also requested as to reasons for retaining or deleting the regulation in its entirety.

DATES: Written comments must be received on or before November 19, 1979.

ADDRESSES: Comments should be addressed to Mr. Rhoger H. Pugh, Director, Coordination Division, Comptroller of the Currency, Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT: Mr. Rhoger H. Pugh, Director, Coordination Division, Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1587.

SUPPLEMENTARY INFORMATION: The Comptroller of the Currency presently has a regulation, 12 CFR Part 18, requiring certain national banks to distribute annual reports to their shareholders. The present regulation specifies the form of these reports. This proposal would amend the present regulation in the following aspects: (1) It clarifies that banks eligible and electing to use "the small bank call report forms" for statutory reporting purposes (12 U.S.C. 161) may also use those forms to satisfy the requirements for financial statements in their annual reports; (2) copies of annual reports need no longer be provided to the Comptroller or to the appropriate Regional Administrator; and (3) the details of footnote requirements have been replaced by a cross reference to 12 CFR Part 18. In addition, to accommodate situations where a national bank has a small number of shareholders who do not desire an annual report, a new exemptive provision has been added.

Comments are also invited concerning other sections of the proposed regulation and are specifically invited with respect to reasons why this regulation should be retained or deleted in its entirety. It should be noted that corporations and banks, other than national banks, where stock is held by less than 500 shareholders, are not generally required to distribute annual reports to shareholders. It should also be noted that national banks publish certain financial information and such information and other financial information filed by national banks with the Comptroller are available to the public upon request.

DRAFTING INFORMATION: The principal drafter of this document was Rhoger H. Pugh, Director, Coordination Division.

Proposed Rule

As stated above, the Comptroller proposes to amend 12 CFR Part 18 to read as follows:

PART 18—FORM AND CONTENT OF ANNUAL REPORT TO SHAREHOLDERS

Sec.

18.1 Scope and application.

18.2 Financial statements.

18.3 General rules.

Authority: R.S. 324 et seq., as amended (12 U.S.C. 1 et seq.)

§ 18.1 Scope and application.

This part is issued by the Comptroller of the Currency under the general authority of the National Banking Laws, R.S. 324 et seq., as amended, 12 U.S.C. 1 et seq., and contains rules applicable to the issuance of annual reports by national banks.

(a) Every national bank which is not subject to 12 CFR Part 11 (or which is not a wholly owned subsidiary of a bank holding company, except for directors' qualifying shares) shall mail an annual report to each its shareholders containing, at a minimum, the information required by §§ 18.2 and 18.3 below. Such annual reports shall be mailed to each shareholders at least 10 days prior to the bank's annual meeting, but not later than 60 days after the close of its fiscal year.

(b) A national bank need not prepare and distribute an annual report pursuant to this part for any specific year in which all its shareholders notify the bank in writing that an annual report is not desired.

§ 18.2 Financial statements.

(a) The annual report shall include the following financial statements for the most recent and immediately preceding fiscal year:

- (1) Balance sheet-as of the end of the year.
- (2) Statement of earnings for the year.
- (3) Statement of changes in capital accounts for the year.

(b) A reconciliation of the allowance for possible loan losses shall be furnished for each statement of earnings.

(c) Earnings per share of common stock shall be furnished for each statement of earnings.

(d) The financial statements shall include, either on their face or in accompanying notes, other disclosures necessary for a fair presentation of financial position and results of operations.

Proposed Rules

Federal Register

Vol. 44, No. 245

Wednesday, December 19, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed Rule.

SUMMARY: The Nuclear Regulatory Commission, after considering the public record available concerning licensee, State and local government emergency preparedness, and the need to enhance protection of the public health and safety, is proposing to amend its regulations to provide an interim upgrade of NRC emergency planning regulations. In a few areas of the proposed amendments, the Commission has identified two alternatives which it is considering. In each instance both alternatives are presented in the following summary of the proposed changes and in the specific proposed rule changes presented in this notice. The final rule will not necessarily incorporate all of the first alternatives or all of the second alternatives. That is, in some instances the first alternative may be adopted and in others, the second alternative may be adopted. Further alternatives may be adopted as a result of consideration of public comments.

In one alternative (Alternative A), the proposed rule change would not automatically require suspension of operations for lack of concurrence in appropriate State and local government emergency response plans on the date specified in the rule, even if the Commission by that date has not yet determined whether the reactor should be allowed to continue to operate. It would:

1. Require NRC concurrence in the appropriate State and local government emergency response plans prior to operating license issuance, unless the applicant can demonstrate to the satisfaction of the Commission that deficiencies in the plans are not

significant for the nuclear power plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for license issuance.

2. For nuclear power reactors already licensed to operate, if appropriate State and local emergency response plans have not received NRC concurrence within 180 days after the effective date of this amendment or by January 1, 1981, whichever is sooner, require the Commission to determine whether to require the licensee to shut down the reactor. If at the time the Commission finds that the licensee has demonstrated that the deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation, then the licensee may continue operation.

If at that time the Commission cannot make such a finding, then the Commission will order the licensee to show cause why the plant should not be shut down. In cases of serious deficiencies, the order to show cause will be made immediately effective and the licensee would be required to shut down the reactor.

3. For nuclear power reactors already licensed to operate, if appropriate State and local emergency response plans do not warrant continued NRC concurrence and the State or locality do not correct the deficiencies within 4 months of notification by the NRC of withdrawal of its concurrence, require the Commission to determine whether to require the licensee to shut down the reactor. Shut down may not be required if the Commission finds that the licensee has demonstrated that the deficiencies in the plan are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation.

If at this time the Commission cannot make such a finding, then the Commission will order the licensee to show cause why the plant should not be shut down. In cases of serious deficiencies, the order to show cause will be made immediately effective and the licensee would be required to shut down the reactor.

In the other alternative (Alternative B), the proposed rule change would

automatically require nuclear power plant shutdown for lack of concurrence in appropriate State and local government emergency response plans on the date specified in the rule unless an exemption is granted by that date. It would:

1. Require NRC concurrence in the appropriate State and local government emergency response plans prior to operating license issuance. However, the Commission can grant an exemption from this requirement if the applicant can demonstrate to the satisfaction of the Commission that deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for license issuance. No such operating license will be issued unless NRC finds that appropriate protective actions, including evacuation when necessary, can be taken for any reasonably anticipated population within the plume exposure EPZ.

2. For nuclear power reactors already licensed to operate, require a licensee to shut down a reactor immediately if appropriate State or local emergency response plans have not received NRC concurrence within 180 days of the effective date of the final amendments or by January 1, 1981, whichever is sooner. However, the Commission may grant an exemption from this requirement if the licensee can demonstrate to the satisfaction of the Commission that the deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation. If there is no concurrence, and the plant is shut down, then it must remain shut down until such an exemption is granted or until concurrence is obtained.

3. For nuclear power reactors already licensed to operate, require a license to shut down a reactor if appropriate State or local emergency response plans do not warrant continued NRC concurrence and the State or locality does not correct the deficiencies within 4 months of notification by the NRC of withdrawal of its concurrence. However, the Commission can grant an exemption to this requirement if the licensee can demonstrate to the satisfaction of the Commission that the deficiencies in the

Encl. A

plan are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation. If there is no concurrence and the plant is shut down, then it must remain shut down until such an exemption is granted or until concurrence is regained.

In both alternatives the proposed rule would:

4. Require that emergency planning considerations be extended to "Emergency Planning Zones."

5. Require that applicants' and licensees' detailed emergency planning implementing procedures be submitted for NRC review.

6. Clarify and expand 10 CFR Part 50, Appendix E, "Emergency Plans for Production and Utilization Facilities."

DATES: Comments should be submitted on or before February 19, 1980.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposed rule changes and/or the supporting value/impact analysis to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of the value/impact analysis and of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and at local Public Document Rooms. Single copies of the value/impact analysis, related regulatory guides, and the NRC staff analysis of the public comments received on the Advance Notice of Proposed Rulemaking may be obtained on request.

FOR FURTHER INFORMATION CONTACT: Mr. Michael T. Jamgochian, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301-443-5968).

SUPPLEMENTARY INFORMATION: In June 1979, the Nuclear Regulatory Commission began a formal reconsideration of the role of emergency planning in assuring the continued protection of the public health and safety in areas around nuclear power facilities. The Commission had begun this reconsideration in recognition of the need for more effective emergency planning and in response to reports issued by responsible offices of government and its Congressional oversight committees.

By memorandum dated July 31, 1979, the Commission requested that the NRC staff undertake expedited rulemaking on the subject of State, local, and licensee emergency response plans. The

proposed rulemaking described in this notice responds to that request, and has been prepared on an expedited basis. Consequently, considerations related to the workability of the proposed rule may have been overlooked and significant impacts to NRC, applicants, licensees, and State and local governments may not have been identified. Therefore, the NRC particularly seeks comments addressed to these points and intends to hold workshops prior to preparing a final rule to (a) present the proposed rule changes to State and local governments, utilities, and other interested parties and (b) obtain comments concerning the costs, impacts, and practicality of the proposed rule.

The Nuclear Regulatory Commission is considering the adoption of amendments to its regulation, "Domestic Licensing of Production and Utilization Facilities," 10 CFR Part 50, that would require that emergency response planning considerations be extended to Emergency Planning Zones (discussed in NUREG-0396, EPA 520/1-78-016, "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants"). Both the Commission and EPA have formally endorsed the concepts in that EPA/NRC Report, 44 FR 61123 (October 28, 1979). In addition, the Nuclear Regulatory Commission is considering revising 10 CFR Part 50, Appendix E, "Emergency Plans for Production and Utilization Facilities," in order to clarify, expand, and upgrade the Commission's emergency planning regulations.¹ Prior to the conclusion of this rulemaking proceeding, the Commission will give special attention to emergency planning matters, including the need for concurred-in plans, on a case-by-case basis in accordance with the modified adjudicatory procedures of 10 CFR Part 2, Appendix B. Under that Appendix, no new license, construction permit, or limited work authorization may be issued without Commission consideration of issues such as this.² Both versions of the proposed amendments call for State and local government emergency response plans

¹ Two NRC staff guidance documents are related to this proposed rule change. "Draft Emergency Action Level Guidelines for Nuclear Power Plants," NUREG-0810 was published for interim use and comment on September 18, 1979. It is expected that a final version of the action level guidelines, based on the public comments received, will be issued in early 1980. In addition, in early 1980 upgraded and revised acceptance criteria for evaluating emergency preparedness plans will be issued for comment and may be included in the Commission's regulations.

² 44 FR 65048 (November 9, 1979).

to be submitted to and concurred in by the NRC as a condition of operating license issuance.

Under one alternative being considered, the proposed rule would require a determination on continued operation of plants where relevant State and local emergency response plans have not received NRC concurrence. Shutdown of a reactor would not follow automatically in every case. Under the other alternative proposal, shutdown of the reactor would be required automatically where the appropriate State and local emergency response plans have not received NRC concurrence within the prescribed time periods. However, the Commission could grant an exemption to this requirement if the licensee can demonstrate to the satisfaction of the Commission that the deficiencies in the plan are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons. If there is no concurrence and the plant is shut down, then the plant must remain shut down until such an exemption is granted or until concurrence is obtained.

The NRC presently requires that power reactor licensees and 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, offsite emergency response planning has been related to the nuclear licensing process.

To aid State and local governments in the development and implementation of adequate emergency response plans, the NRC, in conjunction with several 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 response plans.³ However, in the past, the NRC has not made NRC concurrence in State and local emergency response plans a condition of operation for a nuclear powerplant; the proposed rule would do so, as explained above.

³ NRC staff guidance for the preparation and evaluation of State and local emergency response plans leading to NRC concurrence is contained in NUREG 75/111, "Guide and Checklist for Development and Evaluation of State and Local Government Radiological Emergency Response Plans in Support of Fixed Nuclear Facilities" (December 1, 1974) and Supplement 1 thereto dated March 15, 1977. The adequacy of this guidance is being reevaluated by the staff and the Commission will consider codification of the upgraded criteria in 1980.

In issuing this rule, NRC recognizes the significant responsibilities assigned to the Federal Emergency Management Agency (FEMA) by Executive Order 12148 on July 15, 1979, to coordinate the emergency planning functions of executive agencies. In view of FEMA's new role, NRC agreed on September 11, 1979, that FEMA should henceforth chair the Federal Interagency Central Coordinating Committee for Radiological Emergency Response Planning and Preparedness (FICCC). In addition, NRC and FEMA have agreed to exercise joint responsibility for concurring in State emergency response plans prior to NRC issuance of operating licenses. During the next few months NRC and FEMA will continue to reexamine intra-federal relationships and responsibilities regarding radiological emergency response planning. However, the Commission does not believe that the reexamination should serve as a basis for delay in the proposed rule change.

At several places in the proposed amendments, the Commission refers to the roles of State and local governments. Indeed the main thrust of the proposed rule is that prior concurrence in State and local emergency response plans will be a condition for licensing and operation of a nuclear powerplant. The Commission recognizes that it cannot direct any governmental unit to prepare a plan, much less compel its adequacy. However, the NRC can condition a license on the existence of adequate plans.

While the State and local governments have the primary responsibility under their constitutional police powers to protect their public, the Commission, under authority granted to it by the Congress, also has an important responsibility to protect the public in matters of radiological health and safety. Accordingly, with an understanding of its limitations and with a sensitivity to the importance of all levels of governments working together, the Commission will commit to seek and apply the necessary resources to make its part in this venture work.

Rationale for Change

The proposed rule is predicated on the Commission's considered judgment in the aftermath of the accident at Three Mile Island that safe siting and design-engineered features alone do not optimize protection of the public health and safety. Before the accident it was thought that adequate siting in accordance with existing staff guidance coupled with the defense-in-depth approach to design would be the primary public protection. Emergency

planning was conceived as a secondary but additional measure to be exercised in the unlikely event that an accident would happen. The Commission's perspective was severely altered by the unexpected sequence of events that occurred at Three Mile Island. The accident showed clearly that the protection provided by siting and engineered safety features must be bolstered by the ability to take protective measures during the course of an accident. The accident also showed clearly that on-site conditions and actions, even if they do not cause significant off-site radiological consequences, will affect the way the various State and local entities react to protect the public from dangers, real or imagined, associated with the accident. A conclusion the Commission draws from this is that in carrying out its statutory mandate to protect the public health and safety, the Commission must be in a position to know that off-site governmental plans have been reviewed and found adequate. The Commission finds that the public can be protected within the framework of the Atomic Energy Act only if additional attention is given to emergency response planning. The Commission recognizes that the increment of risk involved in operation of reactors over the prescribed times in the implementation of this rule does not constitute an unacceptable risk to the public health and safety.

The Commission recognizes that this proposal, to view emergency planning as equivalent to, rather than as secondary to, siting and design in public protection, departs from its prior regulatory approach to emergency planning. The Commission has studied the various proposals and believes that this course is the best available choice. In reaching this determination, the Commission is guided by the findings of its Emergency Planning Task Force which found the need for intensive effort by NRC over the next few years to upgrade the regulatory program in this area. The Commission has also endorsed the findings of the EPA-NRC Joint Task Force for policy development in this area. Implementation of these reports by the NRC in its staff guidance is necessary for the NRC to be as effective as possible in assisting those governmental units and those utilities responsible for execution of the plans.

The Commission acknowledges the input of over one hundred commenters to date on the proposal to adopt new regulations. The staff evaluation of these comments is incorporated by reference herein as part of the record in this rulemaking proceeding.

In addition, the Commission acknowledges the important contributions made this year by various official commenters on the state of emergency planning around nuclear facilities, whose views are included as part of the basis for these regulations. The first of these was the report of the General Accounting Office issued coincident with the TMI accident which explicitly recommended that no new nuclear power plants be permitted to operate "unless offsite emergency plans have been concurred in by the NRC," as a way to insure better emergency protection. GAO Report, EMD-78-110, "Areas Around Nuclear Facilities Should Be Better Prepared for Radiological Emergencies" (March 30, 1979). In addition, the NRC Authorization Bill for FY 1980 (S. 562) would amend the Atomic Energy Act to require a concurred-in State plan as a condition of operation. The policy consideration that underlies this provision would be consistent with the Commission's views of the health and safety significance of emergency planning. One of the Commission's House Oversight Subcommittees developed a comprehensive document on the status of emergency planning which recommended that NRC, in a leadership capacity, undertake efforts to upgrade its licensees' emergency plans and State and local plans. House Report No. 96-413, "Emergency Planning Around U.S. Nuclear Power Plants," 96th Cong., 1st Sess. (August 8, 1979). The Report's recommendations were significant and its findings about the need for improved emergency preparedness lend support to the NRC's own efforts to assure that the public is protected. Finally, the President's Commission on the Accident at Three Mile Island has recently recommended approved State and local plans as a condition for resuming licensing. This Commission's Report and its supporting Staff Reports on emergency responses and preparedness are indicative of many of the problems which the NRC would address in this rule. In this regard the Commission notes that the already extensive record made on emergency planning improvements will be supplemented by the report of its own Special Inquiry Group and other ongoing investigations, by any requirements of the NRC Authorization Act, and by the public comments solicited by this proposed rule.

The proposed rule meets many of the concerns discussed in the above mentioned reports and publications. However, the Commission notes that the proposed rule is considered as an

interim upgrade of NRC emergency planning regulations and, in essence, clarifies and expands areas that have been perceived to be deficient as a result of past experiences. Because the Commission anticipates that further changes in the emergency planning regulations may be proposed as more experience is gained with implementing these revised regulations, as the various Three Mile Island investigations are concluded, and as the results become available from efforts in such areas as instrumentation and monitoring and generic studies of accident models, these proposed rules may require further modifications. Thus the proposed rule changes should be viewed as a first step in improving emergency planning.

Publication of these proposed rule changes in the Federal Register supersedes and thus eliminates the need to continue development of the proposed rule change to 10 CFR Part 50, Appendix E (43 FR 37473), published on August 23, 1978, regarding Emergency Planning Considerations outside the Low Population Zone (LPZ).

The Commission is considering whether construction permits which have already been issued should be reconsidered because of the emergency planning considerations of this rule. For plants in operation, NRC teams are now meeting with licensees to upgrade licensee, State and local emergency plans and implementing procedures.

In developing these proposed rule changes, the Commission has considered the potential consequences, social and economic, as well as safety, of the shutdown of an operating nuclear power plant. Under both alternatives, the substantive criteria to be applied in evaluating whether or not a licensee should be allowed to continue to operate the reactor are the same. Thus, both alternatives reflect the view that, while emergency planning is important for public health and safety, the increment of risk involved in permitting operation for a limited time in the absence of concurred-in plans may not be undue in every case.

However, the alternative rule changes differ primarily in the course of action that would follow either non-concurrence, lack of concurrence, or withdrawal of concurrence in relevant State or local emergency plans. Under one alternative (Alternative A) an order to show cause why the licensee should not shut down the plant may be issued in this circumstance, but the order to show cause would not be made immediately effective unless the Commission decided in the particular cases that the safety risks were sufficiently serious to warrant such

immediate action. Under the other alternative (Alternative B), the licensee would be required to shut down the plant immediately in this circumstance. Unless and until an exemption is granted, the licensee will not be allowed to operate the reactor.

The NRC contemplates that under Alternative A initial concurrence and subsequent withdrawal, if necessary, would be noted in local newspapers. Under Alternative B, public notice of any initial concurrence or withdrawal of concurrence would be made both in the Federal Register and in local newspapers. Notice in the Federal Register and in local newspapers will also be provided of any required suspension of operation, any request for an exemption from this requirement, and any request that an operating license be exempt from the requirement for concurred-in plans. Public comments will be welcomed. If significant interest in meeting with the staff is expressed, the staff may hold public meetings in the vicinity of the site to receive and discuss comments and to answer questions.

Accordingly, in the discharge of its duties to assure the adequate protection of the public health and safety, the Commission has decided to issue proposed rules for public comment. The proposed changes to 10 CFR 50.33, 50.47, and 50.54 apply to nuclear power reactors only. However, the proposed Appendix E to 10 CFR Part 50 applies to production and utilization facilities in general except as noted in the proposed Appendix E. These proposals, comments, other official reports, and views expressed at the public workshops will be factored into the final rule, which the NRC now anticipates will be published in early 1980.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 and Appendix E to 10 CFR Part 50 is contemplated.

Copies of comments received on the proposed amendments may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, DC, and at local Public Document Rooms.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. Paragraph (g) of § 50.33 is revised to read as follows:

§ 50.33 Contents of applications; general information.

* * * * *

(g) If the application is for an operating license for a nuclear power reactor, the applicant shall submit radiological emergency response plans of State and local governmental entities in the United States that are wholly or partially within the plume exposure pathway Emergency Planning Zone (EPZ), as well as the plans of State governments wholly or partially within the ingestion pathway EPZ.¹ Generally, the plume exposure pathway EPZ for nuclear power reactors shall consist of an area about 10 miles in radius and the ingestion pathway EPZ shall consist of an area about 50 miles in radius. The exact size and configuration of the EPZs surrounding a particular nuclear power reactor shall be determined in relation to the emergency response needs and capabilities as they are affected by such local conditions as demography, topography, land characteristics, access routes, and local jurisdictional boundaries. The plans for the ingestion pathway shall focus on such less immediate actions as are appropriate to protect the food ingestion pathway.

2. A new § 50.47 is added. Alternative versions of the first paragraph are presented.

§ 50.47 Emergency plans.

[Alternative A: (a) No operating license for a nuclear power reactor will be issued unless the emergency response plans submitted by the applicant in accordance with § 50.33(g) have been reviewed and concurred in by the NRC.² In the absence of one or more concurred-in plans, the applicant will have an opportunity to demonstrate to the satisfaction of the Commission that deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons to permit operation.] OR

[Alternative B: (a) No operating license for a nuclear power reactor will be issued unless the emergency response plans submitted by the applicant in accordance with § 50.33(g) have been reviewed and concurred in by the NRC.² An applicant may request an exemption from this requirement based

¹ Emergency Planning Zones (EPZs) are discussed in NUREG-0096, "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants."

² NRC staff guidance for the preparation and evaluation of State and local emergency response plans leading to NRC concurrence is contained in NUREG 75/111, "Guide and Checklist for Development and Evaluation of State and Local Government Radiological Emergency Response Plans in Support of Fixed Nuclear Facilities" (December 1, 1974) and Supplement 1 thereto dated March 13, 1977.

upon a demonstration by the applicant that any deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons to permit operation. No such operating license will be issued unless NRC finds that appropriate protective actions, including evacuation when necessary, can be taken for any reasonably anticipated population within the plume exposure EPZ.]

(b) Generally, the plume exposure pathway EPZ for nuclear power plants shall consist of an area about 10 miles in radius and the ingestion pathway EPZ shall consist of an area about 50 miles in radius. The exact size and configuration of the EPZs surrounding a particular nuclear power reactor shall be determined in relation to the emergency response needs and capabilities as they are affected by such local conditions as demography, topography, land characteristics, access routes, and local jurisdictional boundaries. The plans for the ingestion pathway shall focus on such less immediate actions as are appropriate to protect the food ingestion pathway.

3. Section 50.54 is amended by adding four new paragraphs, (s), (t), (u) and (v). Alternative passages for paragraphs (s) and (t) are provided:

§ 50.54 Conditions of licenses.

(s) Each licensee who is authorized to possess and/or operate a nuclear power reactor shall submit within 60 days of the effective date of this amendment the radiological emergency response plans of State and local governmental entities in the United States that are wholly or partially within the plume exposure pathway EPZ, as well as the plans of State governments wholly or partially within the ingestion pathway EPZ.¹ Generally, the plume exposure pathway EPZ for nuclear power reactors shall consist of an area about 10 miles in radius and the ingestion pathway EPZ shall consist of an area about 50 miles in radius. The exact size and configuration of the EPZs for a particular nuclear power reactor shall be determined in relation to the emergency response needs and capabilities as they are affected by such local conditions as demography, topography, and land characteristics, access routes, and local jurisdictional boundaries. The plans for the ingestion pathway shall focus on such less immediate actions as are appropriate to protect the food ingestion pathway. [Alternative A: If the appropriate State and local government emergency response plans have not

been concurred in² within 180 days of the effective date of the final amendments or by January 1, 1981, whichever is sooner, the Commission will make a determination whether the reactor should be shut down. The reactor need not be shut down if the licensee can demonstrate to the Commission's satisfaction that the deficiencies in the plan are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation.] OR [Alternative B: If the plans submitted by the licensee in accordance with the subsection have not been concurred in by NRC within 180 days of the effective date of this amendment or by January 1, 1981, whichever is sooner, the reactor in question will be shut down until the concurrences have been obtained. The licensee may request an exemption from this requirement based upon a demonstration that any deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation. However, unless and until this exemption has been granted by the Commission, the plant shall be maintained in the shutdown condition.]

[Alternative A: (t) If, after 180 days following the effective date of these amendments or January 1, 1981, whichever is sooner, and during the operating license period of a nuclear power reactor the Commission determines that the appropriate State and local government emergency response plans do not warrant continued NRC concurrence and such State or local government fails to correct such deficiencies within 4 months of the date of notification of the defects, the Commission will make a determination whether the reactor shall be shut down until the plan is submitted and has again received NRC review and concurrence. The reactor need not be shut down if the licensee can demonstrate to the Commission's satisfaction that the deficiencies in the plan are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation.] OR

[Alternative B: (t) If, after 180 days following the effective date of these amendments or after January 1, 1981, whichever is sooner, and during the operating license period of a nuclear power reactor, the Commission determines that the appropriate State or

local government emergency response plans do not warrant continued NRC concurrence and such State or local government fails to correct such deficiencies within 4 months of the date of notification of the defects, the reactor in question will be shut down. The licensee may request an exemption from this requirement based upon a demonstration that any deficiencies in the plans are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation. However, unless and until this exemption has been granted by the Commission, the plant shall be maintained in the shutdown condition.]

(u) The licensee of a nuclear power reactor shall provide for the development, revision, implementation and maintenance of its emergency preparedness program. To this end, the licensee shall provide for an independent review of its emergency preparedness program at least every 12 months by licensee, employees, contractors, or other persons who have no direct responsibility for implementation of the emergency preparedness program. The review shall include a review and audit of licensee drills, exercises, capabilities, and procedures. The results of the review and audit, along with recommendations for improvements, shall be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of five years.

(v) Within 180 days after the effective date of the final rules or by January 1, 1981, whichever is sooner, each licensee who is authorized to possess and/or operate a production or utilization facility shall have plans for coping with emergencies which meet the requirements of Appendix E of this Chapter.

4. 10 CFR Part 50, Appendix E, is amended as follows:

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities¹

I. Introduction

Each applicant for a construction permit is required by § 50.34(a) to include in its

¹ NRC staff has developed three regulatory guides: 1.101, "Emergency Planning for Nuclear Power Plants," 2.A, "Emergency Planning for Research Reactors," and 3.42, "Emergency Planning in Fuel Cycle Facilities and Plants Licensed Under 10 CFR Parts 50 and 70"; and NUREC-3610, "Draft Emergency Level Action Guidelines for Nuclear Power Plants" (September 1979) to help applicants establish adequate plans required pursuant to

preliminary safety analysis report a discussion of preliminary plans for coping with emergencies. Each applicant for an operating license is required by § 50.34(b) to include in its final safety analysis report plans for coping with emergencies.

This appendix establishes minimum requirements for emergency plans for use in attaining a state of emergency preparedness. These plans shall be described in the preliminary safety analysis report and submitted as a part of the final safety analysis report. The potential radiological hazards to the public associated with the operation of research and test reactors are considerably less than those involved with nuclear power reactor. Consequently, the size of the EPZs for Research and Test reactors and the degree to which compliance with the requirements of this section and sections II, III, IV and V is necessary will be determined on a case-by-case basis using Regulatory Guide 2.8 as a standard for acceptance. State and local government emergency response plans, which may include the plans of offsite support organizations, shall be submitted with the applicant's emergency plans.

II. The Preliminary Safety Analysis Report

The Preliminary Safety Analysis Report shall contain sufficient information to ensure the compatibility of proposed emergency plans both for onsite areas and the EPZs with facility design features, site layout, and site location with respect to such considerations as access routes, surrounding population distributions, and land use for the Emergency Planning Zones² (EPZs).

As a minimum, the following items shall be described:

A. Onsite and offsite organizations for coping with emergencies, and the means for notification, in the event of an emergency, of persons assigned to the emergency organizations;

B. Contacts and arrangements made and documented with local, State, and Federal governmental agencies with responsibility for coping with emergencies, including identification of the principal agencies.

[Alternative A: C. Protective measures to be taken in the event of an accident within the site boundary and within each EPZ to protect health and safety; corrective measures to prevent damage to onsite and

offsite property; and the expected response, in the event of an emergency, of offsite agencies] OR

[Alternative B: C. Protective measure to be taken in the event of an accident within the site boundary and within each EPZ to protect health and safety; procedures by which these measures are to be carried out (e.g., in the case of an evacuation, who authorizes the evacuation, how the public is to be notified and instructed, how the evacuation is to be carried out); and the expected response, in the event of an emergency, of offsite agencies];

D. Features of the facility to be provided for onsite emergency first aid and decontamination, and for emergency transportation of onsite individuals to offsite treatment facilities;

E. Provisions to be made for emergency treatment at offsite facilities of individuals injured as a result of licensed activities;

F. Provisions for a training program for employees of the licensee, including those who are assigned specific authority and responsibility in the event of an emergency, and for other persons not employees of the licensee whose assistance may be needed in the event of a radiological emergency;

G. Features of the facility to be provided to ensure the capability for actuating onsite protective measures and the capability for facility reentry in order to mitigate the consequences of an accident or, if appropriate, to continue operation;

H. A preliminary analysis which projects the time and means to be employed in the notification of State and local governments and the public in the event of an emergency. A preliminary analysis of the time required to evacuate various sectors and distances within the plume exposure pathway EPZ for transient and permanent populations.

III. The Final Safety Analysis Report

The Final Safety Analysis Report shall contain the emergency plans for coping with emergencies. The plans shall be an expression of the overall concept of operation, which describe the essential elements of advance planning that have been considered and the provisions that have been made to cope with emergency situations. The plans shall incorporate information about the emergency response roles of supporting organizations and offsite agencies. That information shall be sufficient to provide assurance of coordination among the supporting groups and between them and the licensee.

[Alternative A: The plans submitted must include a description of the elements set out in Section IV to an extent sufficient to demonstrate that the plans provide reasonable assurance that appropriate measures can and will be taken in the event of an emergency to protect public health and safety and minimize damage to property within the Emergency Planning Zones (EPZs).] OR

[Alternative B: The plans submitted must include a description of the elements set out in Section IV to an extent sufficient to demonstrate that the plans provide reasonable assurance that appropriate measures can and will be taken in the event

of an emergency to protect public health and safety within the Emergency Planning Zones (EPZs).]

IV. Content of Emergency Plans

The applicant's emergency plans shall contain, but not necessarily be limited to, the following elements: organization for coping with radiation emergencies, assessment action, activation of emergency organization, notification procedures, emergency facilities and equipment, training, maintaining emergency preparedness, and recovery. The applicant shall also provide an analysis of the time required to evacuate various sectors and distances within the plume exposure pathway EPZ for transient and permanent populations.

A. Organization

The organization for coping with radiological emergencies shall be described including definitions of authorities, responsibilities and duties of individuals assigned to licensee's emergency organization, and the means of notification of such individuals in the event of an emergency. Specifically, the following shall be included:

1. A description of the normal plant operating organization.
2. A description of the onsite emergency response organization with a detailed discussion of:
 - a. Authorities, responsibilities and duties of the individual(s) who will take charge during an emergency;
 - b. Plant staff emergency assignments;
 - c. Authorities, responsibilities, and duties of an onsite emergency coordinator who shall be in charge of the exchange of information with offsite authorities responsible for coordinating and implementing offsite emergency measures.

3. A description of the licensee headquarters personnel that will be sent to the plant site to provide augmentation of the onsite emergency organization.

4. Identification, by position, of persons within the licensee organization who will be responsible for making offsite dose projections and a description of how these projections will be made and the results transmitted to State and local authorities, NRC, FEMA and other appropriate governmental entities.

5. Identification, by position and function, of other employees of the licensee with special qualifications for coping with emergency conditions which may arise. Other persons with special qualifications, such as consultants, who are not employees of the licensee and who may be called upon for assistance for short- or long-term emergencies shall also be identified. The special qualifications of these persons shall be described.

6. A description of the local offsite services to be provided in support of the licensee emergency organization.

7. Identification of and expected assistance from appropriate State, local, and Federal agencies with responsibilities for coping with emergencies.

8. Identification of the State and/or local officials responsible for planning for, ordering, notification of, and controlling

Footnotes continued from last page § 50.34 and this Appendix for coping with emergencies. Copies of the guides are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555. Copies of guides may be purchased from the Government Printing Office. Information on current prices may be obtained by writing the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

²The size of the EPZs for a nuclear power plant shall be determined in relation to the emergency response needs and capabilities as they are affected by such local conditions as demography, topography, land characteristics, access routes, and local jurisdictional boundaries. Generally, the plume exposure pathway EPZ for light water nuclear power plants shall consist of an area about 10 miles radius and the ingestion pathway EPZ an area about 50 miles in radius. EPZs are discussed in NUREG-0306. The size of the EPZs for non-power reactors shall be determined on a case-by-case basis.

appropriate protective actions, including evacuations when necessary.

B. Assessment Actions

The means to be provided for determining the magnitude and continued assessment of the release of radioactive materials shall be described including emergency action levels that are to be used as criteria for determining the need for notification and participation of local and State agencies and the Commission and other Federal agencies; and the emergency action levels that are to be used as criteria along with appropriate meteorological information for determining when protective measures should be considered within the outside the site boundary to protect health and safety and prevent damage to property. The emergency action levels shall be based on in-plant conditions and instrumentation in addition to onsite and offsite monitoring. These emergency action levels shall be discussed and agreed upon by the applicant and State and local governmental authorities and approved by NRC. They shall also be reviewed with the State and local governmental authorities on an annual basis.

C. Activation of Emergency Organization

The entire spectrum of emergency conditions which involve the alerting or activation of progressively larger segments of the total emergency organization shall be described. The communication steps taken to alert or activate emergency personnel under each class of emergency shall be described. Emergency action levels (based not only on onsite and offsite radiation monitoring information but also on readings from a number of sensors that indicate a potential emergency such as the pressure in containment and the response of the Emergency Core Cooling System) for notification of offsite agencies shall be described. The existence, but not the details, of a message authentication scheme shall be noted for such agencies.

D. Notification Procedures

1. Administrative and physical means for notifying, and agreements reached with, local, State, and Federal officials and agencies for the early warning of the public and for public evacuation or other protective measures, should they become necessary, shall be described. This description shall include identification of the principal officials, by title and agencies, for the Emergency Planning Zones² (EPZs).

2. Provisions shall be described for the yearly dissemination to the public within the plume exposure pathway EPZ of basic emergency planning information such as the possibility of nuclear accidents, the potential human health effects of such accidents and their causes, methods of notification, and the protective actions planned if an accident occurs, as well as a listing of local broadcast network that will be used for dissemination of information during an emergency.

3. Administrative and physical means, and the time required, shall be described for alerting and providing prompt instructions³

to the public within the plume exposure pathway Emergency Planning Zone. It is the applicant's responsibility to ensure that such means exist, regardless of who implements this requirement.

E. Emergency Facilities and Equipment

Provisions shall be made and described for emergency facilities and equipment, including:

1. Equipment at the site for personnel monitoring;
2. Equipment for determining the magnitude of and for continuously assessing the release of radioactive materials to the environment;
3. Facilities and supplies at the site for decontamination of onsite individuals;
4. Facilities and medical supplies at the site for appropriate emergency first aid treatment;
5. Arrangements for the services of a physician and other medical personnel qualified to handle radiation emergencies;
6. Arrangements for transportation of injured or contaminated individuals from the site to treatment facilities outside the site boundary;
7. Arrangements for treatment of individuals injured in support of licensed activities on the site at treatment facilities outside the site boundary;
8. One onsite technical support center and one near-site emergency operation center from which effective direction can be given and effective control can be exercised during an emergency;
9. At least one onsite and one offsite communications system, including redundant power sources. This will include the communication arrangements for emergencies, including titles and alternates for those in charge at both ends of the communication links and the primary and backup means of communication. Where consistent with function of the governmental agency, these arrangements will include:

a. Provision for communications with contiguous State/local governments within the plume exposure pathway Emergency Planning Zone. Such communications shall be tested monthly.

b. Provision for communications with Federal emergency response organizations. Such communications systems shall be tested annually.

c. Provision for communications between the nuclear facility, State and/or local emergency operations centers, and field assessment teams. Such communications systems shall be tested annually.

F. Training

The program to provide for (1) the training of employees and exercising, by periodic drills, of radiation emergency plans to ensure that employees of the licensee are familiar with their specific emergency response duties, and (2) the participation in the training and drills by other persons whose assistance may be needed in the event of a radiation emergency shall be described. This shall include a description of specialized initial training and periodic retraining programs to be provided to each of the following categories of emergency personnel:

- a. Directors or coordinators of the plant emergency organization.
- b. Personnel responsible for accident assessment, including control room, shift personnel.
- c. Radiological monitoring teams.
- d. Fire control teams (fire brigades).
- e. Repair and damage control teams.
- f. First aid and rescue teams.
- g. Local services personnel, e.g., local Civil Defense, local law enforcement personnel, and local news media persons.
- h. Medical support personnel.
- i. Licensee's headquarters support personnel.
- j. Security personnel.

The plan shall describe provisions for the conduct of yearly drills and exercises to test the adequacy of timing and content of implementing procedures and methods, to test emergency equipment and communication networks, and to ensure that emergency organization personnel are familiar with their duties. Such provisions shall specifically include participation by offsite personnel as described above as well as other State and local governmental agencies. The plan shall also describe provisions for a joint exercise involving the Federal, State, and local response organizations. The scope of such an exercise should test as much of the emergency plans as is reasonably achievable without involving full public participation. Definitive performance criteria shall be established for all levels of participation to ensure an objective evaluation. This joint Federal, State, and local exercise shall be:

1. For presently operating plants, initially within one year of the effective date of this amendment and once every (Alternative A: three years) or (Alternative B: five years) thereafter.

3. For a plant for which an operating license is issued after the effective date of this amendment, initially within one year of the issuance of the operating license and once every (Alternative A: three years) or (Alternative B: five years) thereafter.

All training provisions shall provide for formal critiques in order to evaluate the emergency plan's effectiveness and to correct weak areas through feedback with emphasis on schedules, lesson plans, practical training, and periodic examinations.

G. Maintaining Emergency Preparedness

Provisions to be employed to ensure that the emergency plan, its implementing procedures and emergency equipment and supplies are maintained up to date shall be described.

H. Recovery

Criteria to be used to determine when to the extent possible, following an accident, reentry of the facility is appropriate or when operation should be continued.

V. Implementing Procedures

No less than 180 days prior to scheduled issuance of an operating license, 10 copies each of the applicant's detailed implementing procedures for its emergency plan shall be submitted to NRC Headquarters and to the appropriate NRC Regional Office. Provided that, in cases where the operating license is

² It is expected that the capability will be provided to essentially complete alerting of the

public within the plume exposure pathway EPZ within 15 minutes of the notification by the licensee of local and State officials.

scheduled to be issued less than 180 days after the effective date of this rule, such implementing procedures shall be submitted as soon as practicable. Within 60 days after the effective date for compliance under § 50.54(v) with the revised Appendix E, licensees who are authorized to operate a nuclear power facility shall submit 10 copies each of the licensee's emergency plan implementing procedures to NRC Headquarters and to the appropriate NRC Regional Office. As necessary to maintain them up to date thereafter, 10 copies each of any changes to these implementing procedures shall be submitted to NRC Headquarters and to the same NRC Regional Office within 30 days of such changes.

(Sec. 161, Pub. L. 83-703, 88 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5341))

Dated at Washington, D.C. this 13th day of December 1979.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 79-3804 Filed 12-19-79; 10:58 am]
BILLING CODE 7980-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 570

[Docket No. ERA-R-79-54]

Standby Gasoline Rationing Plan

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Notice of Additional Public Hearing.

SUMMARY: On December 7, 1979, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued a notice of proposed rulemaking and public hearings to receive comments on its proposed Standby Gasoline Rationing Plan (44 FR 70799, December 10, 1979). Public hearings are scheduled for Boston, MA, San Francisco, CA, Chicago, IL, New Orleans, LA and Washington, DC.

The purpose of this notice is to schedule a additional public hearing on the proposed Standby Gasoline Rationing Plan in Seattle, WA.

DATES: Hearing: January 3 and 4, 1980, beginning at 9:30 a.m. Requests to speak must be received by December 28, 1979.

ADDRESSES: Hearing location: New Federal Building, 915 2nd Avenue, South Auditorium (4th Floor), Seattle, WA 98174.

Requests to speak should be addressed to: Department of Energy, Attn: Janet Marcan, 1992 Federal Building, 915 2nd Avenue, Seattle, WA 98174.

FOR FURTHER INFORMATION CONTACT: Benton F. Massell (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 7112, 2000 M Street, N.W., Washington, D.C. 20461 (202) 254-7303.

Issued in Washington, D.C., December 13, 1979.

F. Scott Bush,

Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.

[FR Doc. 79-3804 Filed 12-17-79; 10:58 am]
BILLING CODE 9400-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 210

[Reg. J; Docket No. R-0266]

Collection of Checks and Other Items and Transfer of Funds

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rules.

SUMMARY: By this action the Board proposes to clarify and simplify its regulations on the collection of checks and other items and for wire transfers of funds. It is not intended that any substantive changes be made in the duties and responsibilities that are set forth in these regulatory provisions.

DATE: Comments must be received on or before February 15, 1980.

ADDRESS: Comments, which should refer to Docket No. R-0266, may be mailed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in section 251.8(a) of the Board's Rules Regarding Availability of Information (12 CFR 251.8(a)).

FOR FURTHER INFORMATION CONTACT: Lee S. Adams, Senior Attorney (202/452-3594), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: As part of its Regulatory Improvement Project, the Board has reviewed the regulatory framework for the collection of checks and other items and for wire transfers of funds that are set forth in Subparts A and B of Regulation J. The Board has determined that, while substantive changes in the regulation were not required, it was desirable to redraft the regulation to clarify and simplify the language. In redrafting Regulation J, the

Board was aware that much of the terminology of the regulation is common and legally recognized through its consistency with the Uniform Commercial Code. Although language improvements were made to achieve brevity and clarity, care was taken not to alter legal concepts through stylistic change.

The Board notes that the revised material was drafted to conform generally with the new part of Regulation J, Subpart C (Automated Clearing House Items) which the Board recently approved for public comment (44 FR 67995). Only minor editorial changes will be required to conform a final version of Subpart C with the revised Subparts A and B.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors. The proposal is made under the authority of sections 11 and 16 of the Federal Reserve Act (12 U.S.C. 248 (j), (o)), which authorize the Board to promulgate rules governing the transfers of funds through Federal Reserve Banks. To aid in the consideration of this material by the Board, interested persons are invited to submit relevant data, views, comments, or arguments.

To implement its proposal, the Board is considering amending Regulation J (12 CFR Part 210) as set forth below:

[Reg. J]

PART 210—COLLECTION OF CHECKS AND OTHER ITEMS AND WIRE TRANSFERS OF FUNDS

Subpart A—Collection of Checks and Other Items

- Sec.
- 210.1 Authority, purpose, and scope.
 - 210.2 Definitions.
 - 210.3 General provisions.
 - 210.4 Sending items to Reserve Banks.
 - 210.5 Sender's agreement; recovery by Reserve Bank.
 - 210.6 Status, warranties, and liability of Reserve Bank.
 - 210.7 Presenting items for payment.
 - 210.8 Presenting noncash items for acceptance.
 - 210.9 Payment.
 - 210.10 Time schedule and availability of credits for cash items.
 - 210.11 Availability of proceeds of noncash items; time schedule.
 - 210.12 Return of cash items.
 - 210.13 Chargeback of unpaid items.
 - 210.14 Extension of time limits.

Subpart B—Wire Transfer of Funds

- 210.25 Authority, purpose, and scope.
- 210.26 Definitions.
- 210.27 General provisions.
- 210.28 Media for transfer items and requests.

ENCLOSURE B