

VALUE/IMPACT ANALYSIS

I. THE PROPOSED ACTION

A. Description

The regulation contains the following three major changes from past practices:

1. In order to continue operations or to receive an operating license, an applicant/licensee will be required to 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.
2. Require that emergency planning considerations be extended to "Emergency Planning Zones"¹ (EPZs) and

¹EPZs are discussed in NUREG-0396. Generally, the plume exposure pathway EPZ for a light water reactor extends out to about 10 miles from the plant and the ingestion pathway EPZ out to about 50 miles.

3. Require that detailed emergency planning implementing procedures of both licensees and applicants for operating licenses be submitted to NRC 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.

B. Need for the Proposed Action

The Commission's final rules are based on its considered judgment about the significance of adequate emergency planning and preparedness to ensure adequate protection of the public health and safety. It is clear, based on the various official reports described in the proposed rules (44 FR at 75169) and the public record compiled in this rulemaking, that onsite and offsite emergency preparedness as well as proper siting and engineered design features are needed to protect the health and safety of the public. As the Commission reacted to the accident at Three Mile Island, it became clear that the protection provided by siting and engineered design features must be bolstered by the ability to take protective measures during the course of an accident. The accident also showed clearly that onsite conditions and actions, even if they do not cause significant offsite radiological consequences, will affect the way the various State and local entities react to protect the public from any dangers, associated with the accident (Ibid). In order to discharge effectively its statutory responsibilities, the Commission firmly believes that it must be in a position to know that proper means and procedures will be in place

to assess the course of an accident and its potential severity, that NRC and other appropriate authorities and the public will be notified promptly, and that appropriate protective actions in response to actual or anticipated conditions can and will be taken.

There have also been numerous indications recently that current NRC regulations with respect to emergency planning are inadequate and also require clarification and expansion. For example, several reports have cited criticisms of emergency planning:

1. EPA/NRC Task Force Report "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants" (NUREG-0396, December 1978)
2. GAO Report "Areas Around Nuclear Facilities Should Be Better Prepared for Radiological Emergencies" (EMD-78-110, March 30, 1979)
3. Report of the Siting Policy Task Force - NUREG-0625, August 1979
4. Senate Bill S.562 - involves concurrence and adequacy of State and Local Emergency Plans.
5. Congressional Report - "Emergency Planning Around U.S. Nuclear Power Plants: Nuclear Regulatory Commission Oversight" (House Report 96-413, August 8, 1979).

C. Value/Impact of the Proposed Action

1. NRC

The value of improvements to the emergency planning regulations would be (1) to provide better assurance that the response cap-

abilities of the licensee and State and local governments would function properly in the event of a radiological emergency in order to protect the public health and safety, and (2) to provide more clarified and expanded regulatory bases for the evaluation of applicants' and licensees' emergency planning efforts.

It is estimated that the proposed action will require approximately 91 man-years of NRC effort for FY 81. This manpower requirement was identified in Enclosure M to this Commission paper.

2. Other Government Agencies

Improvements to the emergency planning regulations would contribute to improved State and local emergency response around nuclear power reactors. The impact of implementing this proposed action on State and local agencies would be that a large majority of States would require substantial additional resources. The guidance may have very significant impacts for some local jurisdictions, particularly where planning of this sort has not previously been done.

Based on an analysis performed 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) typically to total about \$240,000 with associated annual updating cost of about \$44,000. For local governments, initial costs typically total about \$120,000 (four jurisdictions) with annual updating costs of about \$30,000. Thus the typical total costs to State and local governments to achieve a positive finding from NRC concurrence in 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.

Implementation of the proposed rule changes would have special political, institutional, and economic impact at both State and local levels whenever the plume exposure pathway EPZ encompasses more than one State or locality. In such cases, the unilateral action of one State or locality not to develop an emergency response plan with NRC concurrence could prevent another State or locality from attracting electrical generating capacity needed for economic growth or from continuing to obtain electricity from operating nuclear facilities.

Applicant agencies (e.g., TVA, DOE) would be affected as presented under Section 3 below.

3. Industry

Improvements in the emergency planning regulations would provide more clarified and expanded guidance for the development of applicants' and licensees' emergency plans. It is estimated that the proposed action would require an additional 3 man-years per year per licensee of effort as well as any time or resources which they may provide to assist State and local governments in their emergency planning efforts. A special potential impact of the proposed action is that licenses to operate nuclear power plants now under construction may be delayed and that operating plants may be required to shut down or reduce power levels should relevant State and local plans not receive a positive finding by NRC. Further, the proposed rule changes would heighten the uncertainty concerning nuclear power as a viable energy alternative.

4. Public

Improvements to the emergency planning regulations would provide increased confidence that the health and safety of the public would be protected during a radiological emergency because the response capabilities of the licensee and State and local governments would be in place. A potential impact of the proposed action may be higher costs of electricity when replacement power must be found for nuclear power plants that are not allowed to operate or when industry opts to provide needed capacity with more costly but less controversial energy alternatives.

The proposed upgrade in emergency preparedness will undoubtedly result in a better capability, around nuclear power reactors, to mitigate the consequences of a major accident. These upgraded emergency planning requirements are being promulgated in response to perceived defects in existing emergency planning which are well documented and recognized by the nuclear industry, by the Congress, by the NRC, other agencies of Federal, State, and local government, and by the public. The difficulty arises when the expected improvement in mitigation of accidental radiological hazards to the public around reactors is considered with the risk of such accidents. The expected benefit, in actual numbers of health effects avoided due to improved emergency preparedness is very small when considered with the cost of that improvement.

D. Decision on the Proposed Action

The rule change should be published in the Federal Register.

II. TECHNICAL ALTERNATIVES

Because the rule change is being undertaken to address and resolve the concerns of the Commission, GAO, and Congress, no technical alternatives to their recommendations have been considered.

III. PROCEDURAL ALTERNATIVES

1. Alternative Data Sources

The proposed changes will promulgate new or upgrade reporting and planning requirements. In the case of licensee emergency plans,

there are no valid alternatives to requiring the preparation and submission of emergency response plans by nuclear facility licensees. The same holds true for the requirements for auditing, reporting, and maintaining records of licensee emergency preparedness efforts. The possibility exists that NRC could get State and local emergency plans related to a specific facility from the State and local governments concerned, but there is no mechanism whereby such authorities can be required to prepare and submit plans. For this reason, the NRC has placed the burden of submission of State and local plans on the licensees.

The NRC is required to make a judgment that the state of emergency preparedness (a dynamic condition) around a specific facility is adequate to protect the public health and safety, and that judgment is appropriately based on licensee interaction and cooperation with local authorities. For this reason, it is appropriate that the licensee submit all of the emergency plans required. There may be some required data, such as meteorological demographic information that will be obtained directly from federal agencies for a specific site. The responsibility for arranging for the provision of such data will still rest with the licensee.

2. Other Alternatives Considered

- a. A one-time survey of NRC licensees would not suffice because the state of emergency preparedness around licensed facilities is dynamic, and must stay adequate to protect the public health and safety. The periodic audits, reviews, and exercises of

emergency plans and preparedness proposed are necessary to allow the NRC to gauge the continuing state of preparedness at a licensed facility.

- b. The audits, reviews, and exercises are a form of spot checking or sampling of a dynamic condition. The periodicity on which we require these checks will be subject to change as the upgrade of emergency preparedness proceeds at various types of licensed facilities.
- 3. The number of type of respondents subject to the new requirements is based on the presence at those licensees' facilities of sufficient quantities of radioactive materials to cause offsite doses to people in excess of established protective action guides, in case of a major accident. The present rule changes apply to all nuclear power reactors research and test reactors and to a few major fuel cycle facilities. These facilities are known to meet the dose criteria iterated above.
- d. The requirements set down are necessary to permit NRC staff to analyze the state of emergency preparedness at the affected facilities.
- e. The frequency of reports, audits, and exercises was a judgment made from NRC experience. The periodicity for these requirements may be changed based on results from on going reviews and research.

- f. There are no valid alternative methods of information collection which will result in an immediate upgrade in emergency preparedness at NRC licensed facilities.
- g. Standardized reporting forms or coded data element responses may be applicable to some emergency planning or exercise monitoring. The NRC will allow effective reporting methods proposed by affected licensees.
- h. Extrapolation from known data is not a valid alternative for future reporting. The NRC is using existing data from NRC files in the initial review of licensees that require emergency planning.
- i. The present changes are being issued along with guidance on developing and evaluating licensees and State and local government emergency plans (NUREG-0654). NRC has held regional meetings to discuss the upgraded guidance with the industry, the governments, and the public concerned with emergency preparedness. In addition, NRC review teams are visiting each nuclear power reactor site to review the state of emergency preparedness. The present rule changes are applicable to all licensed nuclear power reactors and to certain major fuel cycle facilities. The NRC expects to require some smaller licensees with less potential for offsite hazards to prepare appropriate

emergency plans, but specific rule changes and criteria will be prepared for these licensees.

The staff is responding to a Commission directive that a rule change be undertaken and promulgated.

IV. STATUTORY CONSIDERATIONS

A. NRC Authority

The rule change is intended to implement the Atomic Energy Act as amended.

B. Need for NEPA Assessment

Since the rule change does represent a major action, as defined by 10 CFR 51.5(a)(10), an environmental assessment is prepared and attached as Enclosure I to this Commission paper. Likewise, a Final Finding of No Significant Impact will be published in the Federal Register prior to the effective date of this regulation.

V. RELATIONSHIP TO OTHER EXISTING OR PROPOSED REGULATIONS OR POLICY

These proposed amendments to existing rules are a part of a broader rule-making activity announced in the Federal Register (44 FR 41433, July 17, 1979) in the subject area of emergency planning. Also, certain aspects of the proposed rulemaking, especially the establishment of EPZs, bear a relationship to reactor site criteria (10 CFR Part 100). The Siting Policy Task Force Report, in fact, recommended fixed-distance EPZs. By memorandum dated September 25, 1979, Commissioner Ahearne requested staff views on flexible versus fixed EPZs. H. Denton's memo in response to that

request indicated that emergency planning related to siting should be considered in any rulemaking proceeding leading to revision of 10 CFR Part 100.

Publication of the subject rule change in the Federal Register would supersede and thus eliminate 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). Likewise, publication of the subject rule change incorporates the proposed rule changes published in the Federal Register on September 19, 1979 (44 FR 54308).

VI. SUMMARY AND CONCLUSIONS

To proceed expeditiously with publication of the final rule change in the Federal Register.

ENCLOSURE D

Draft Congressional Letter

Dear Mr. Chairman:

Enclosed for the information of the Subcommittee on _____ are copies of a notice of final rulemaking to be published in the Federal Register. Also, enclosed is a copy of the public announcement that will be released concerning this matter.

On September 19, 1979, the Commission published for public comment (44 FR 54308) proposed amendments to its regulations dealing with the maintaining of emergency plans and requiring 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 solicity comments. These comments are available in NUREG/CP-0011 (April 1980). The staff considered the information received at these workshops and that it submitted comment letters (more than 170 received) in developing the final rule changes.

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

1. In order to continue operations or to receive an operating license, an applicant's/licensee's will be required to submit their emergency plans, as well as State and local governmental emergency response

Enclosure "0"

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 deficiencies such 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,"

3. Detailed emergency planning implementing procedures of both licensees and applicants for operating licenses be submitted to NRC for review.

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

Sincerely,

Robert B. Minogue, Director
Office of Standards Development

Enclosures:

1. Notice of Final Rulemaking
2. Public Announcement

ENCLOSURE E

DOCKET LETTER NUMBER	NAME	
33	Unknown	X
34	Kentucky Dept. of Military Affairs	X
35	Tora Friedman, Highland Park, IL	X (ZOM)
36	Hon. John Behan, N. Y. Assembly, Albany	X (SHIREIM, JONESPMT)
37	James Gout, Pottstown, PA	X (Case plan: in populated areas, LIBERICA, et al.)
38	Elliott Bezic, New York	X (INDIAN POINT)
39	West Branch Conservation Assn., N. Y.	X Also letters 56 and 107
40	Lorraine Koblick, N. Y.	X
	No Comments on Rule	
	Supports Rule (Generally)	
	Supports Rule w/changes	
	Against Rule (Generally)	
	Rule Is Too Restrictive	
	Rule Is Not Restrictive Enough	
	Legal Jurisdiction Is In Question	
	Delete Reference to Alternatives	
	Prefers Alternative A (Less Restrictive)	
	Prefers Alternative B (More Restrictive)	X
	Prefers Alt. A/B Some Sections (Perhaps w/changes)	
	Concurrence Should Be Joint NRC-FEMA	
	Concurrence Should Be FEMA Only	
	Need Clear Definitions, Guides, Justifications	
	EPZ's Should Be Site Determ.	
	EPZ's Too Large	
	EPZ's Too Small	X
	15-min. Alert Time Not Defined	
	15-min. Alert Time Not Practical	
	Training Not NRC Responsibility	
	Public Participation in Drills Necessary (+; -)	
	NRC Should Develop Drill Criteria	
	Funding Should Be By Utility	X
	Funding Should Be By Federal Agencies/States	
	Rule Could Be Used to Negate National Energy Policy	
	Schedule For Implementation Impractical	
	Evacuation Impractical in Some Cases	
	Plans Should Be Combined w/Overall Disaster Plans	
	Rule Based on Incomplete and Interim Guidance-Impractical	
	Rule Changes Interfere w/On-Going Planning-Funding	
	NRC Should Deal With States	
	EMI Inappropriately Used As Basis for Rule Change	
	Off-Site Activities Should Be Function of Government	
	Public Proceeding Should Be Held on Rule Change	

DOCKET LETTER NUMBER	NAME	
57	Klasser Associates Olney, Md.	
58	West Branch Con- servation Assn, NY	X
59	Emergency Services and Disaster Agency	(See letter 16)
60	US House of Reps Comm. on Inter- state & Foreign Commerce	X
61	RMC, Inc. Wash., D.C.	X
62	Tankee Atomic Co. Mass.	X
63	Wash. Energy Fac Site Evaluation Council	X
64	Tonkers Chamber of Commerce, Tonkers NY	X
		No Comments on Rule
		Supports Rule (Generally)
		Supports Rule w/changes
		Against Rule (Generally)
		Rule Is Too Restrictive
		Rule Is Not Restrictive Enough
		Legal Jurisdiction Is In Question
		Delete Reference to Alternatives
		Prefers Alternative A (Less Restrictive)
		Prefers Alternative B (More Restrictive)
		Prefers Alt. A/B Some Sections (Perhaps w/changes)
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		Concurrence Should Be FEMA Only
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		EPZ's Too Small
		15-min. Alert Time Not Defined
		15-min. Alert Time Not Practical
		Training Not NRC Responsibility
		Public Participation in Drills Necessary (+; -)
		NRC Should Develop Drill Criteria
		Funding Should Be By Utility
		Funding Should Be By Federal Agencies/States
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		Evacuation Impractical In Some Cases
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		Rule Based on Incomplete and Interim Guidance-Impractical
		Rule Changes Interfere w/On-Going Planning-Funding
		NRC Should Deal With States
		EMI Inappropriately Used As Basis for Rule Change
		Off-Site Activities Should Be Function of Government
		Public Proceeding Should Be Held on Rule Change

(The Commission should rule on shut-down if X recommended by the staff)

		DOCKET LETTER NUMBER	
		NAME	
		Edison Electric Inst. Wash., D.C.	
		Fed. Emerg. Mangm. Agency, Wash., DC	
		Nuc. Law Center, Beverly Hills, Calif.	
		Commonwealth Edison, Chicago	
		Baltimore Gas & Electric Co., Baltimore, Md.	
		Ebasco Services, Inc., New York, NY	
		Tony C. Tillman, La Place, La.	
		Pudget Sound Pwr & Light, Bellevue Wash.	
			No Comments on Rule
			Supports Rule (Generally)
			Supports Rule w/changes
			Against Rule (Generally)
			Rule Is Too Restrictive
			Rule Is Not Restrictive Enough
			Legal Jurisdiction Is In Question
			Delete Reference to Alternatives
			Prefers Alternative A (Less Restrictive)
			Prefers Alternative B (More Restrictive)
			Prefers Alt. A/B Some Sections (Perhaps w/changes)
			Concurrence Should Be Joint NRC-FEMA
			Concurrence Should Be FEMA Only
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			EPZ's Should Be Site Determ.
			EPZ's Too Large
			EPZ's Too Small
			15-min. Alert Time Not Defined
			15-min. Alert Time Not Practical
			Training Not NRC Responsibility
			Public Participation in Drills Necessary (+; -)
			NRC Should Develop Drill Criteria
			Funding Should Be By Utility
			Funding Should Be By Federal Agencies/States
			Rule Could Be Used to Negate National Energy Policy
			Schedule For Implementation Impractical
			Evacuation Impractical in Some Cases
			Plans Should Be Combined w/Overall Disaster Plans
			Rule Based on Incomplete and Interim Guidance-Impractical
			Rule Changes Interfere w/On-Going Planning-Funding
			NRC Should Deal With States
			TMI Inappropriately Used As Basis for Rule Change
			Off-Site Activities Should Be Function of Government
			Public Proceeding Should Be Held on Rule Change

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DOCKET LETTER NUMBER		NAME
121	Unknown Glencoe, Ill.	X
122	California Off. of Emergency Services	
123	Luzerne Co. Civil Defense Council, PA	X
124	Hon. Tod Redman Assembly Nevada	X
125	Maine Bureau of Civil Emergency Preparedness	X
126	Pennsylvania Emergency Managt. Agency	
127	Hon. Lawton Chiles US Senate	X
128	Comm. Dept. of Envir. Protection	X
	No Comments on Rule	
	Supports Rule (Generally)	
	Supports Rule w/changes	
	Against Rule (Generally)	
	Rule Is Too Restrictive	
	Rule Is Not Restrictive Enough	
	Legal Jurisdiction Is In Question	
	Delete Reference to Alternatives	
	Prefers Alternative A (Less Restrictive)	
	Prefers Alternative B (More Restrictive)	
	Prefers Alt. A/B Some Sections (Perhaps w/changes)	
	Concurrence Should Be Joint NRC-FEMA	
	Concurrence Should Be FEMA Only	
	Need Clear Definitions, Guides, Justifications	
	EPZ's Should Be Site Determ.	
	EPZ's Too Large	
	EPZ's Too Small	
	15-min. Alert Time Not Defined	
	15-min. Alert Time Not Practical	
	Training Not NRC Responsibility	
	Public Participation in Drills Necessary*(+; -)	
	NRC Should Develop Drill Criteria	
	Funding Should Be By Utility	
	Funding Should Be By Federal Agencies/States	
	Rule Could Be Used to Negate National Energy Policy	
	Schedule For Implementation Impractical	
	Evacuation Impractical In Some Cases	
	Plans Should Be Combined w/Overall Disaster Plans	
	Rule Based on Incomplete and Interim Guidance-Impractical	
	Rule Changes Interfere w/On-Going Planning-Funding	
	NRC Should Deal With States	
	TMI Inappropriately Used As Basis for Rule Change	
	Off-Site Activities Should Be Function of Government	
	Public Proceeding Should Be Held on Rule Change	

DOCKET LETTER NUMBER	NAME		
177	Tankee Atomic Electric Co., Westborough, Mass.	X	No Comments on Rule
178	Alabama Civil Defense Dept.	X	Supports Rule (Generally)
179	Alabama Civil Defense Dept.	X	Supports Rule w/changes
180	Minnesota Dept. of Public Safety	X	Against Rule (Generally)
181	Gauthier Industries Inc., Rochester, Minn.	X	Rule is Too Restrictive
182	Floridians United for Safe Energy Miami, Fla.	X	Rule is Not Restrictive Enough
183	Duke Power Co. Charlotte, NC	X	Legal Jurisdiction is in Question
184		X	Delete Reference to Alternatives
			Prefers Alternative A (Less Restrictive)
			Prefers Alternative B (More Restrictive)
		X	Prefers Alt. A/B Some Sections (Perhaps w/changes)
			Concurrence Should Be Joint NRC-FEMA
		X	Concurrence Should Be FEMA Only
		X	Need Clear Definitions, Guides, Justifications
			EPZ's Should Be Site Determin.
			EPZ's Too Large
			EPZ's Too Small
			15-min. Alert Time Not Defined
			15-min. Alert Time Not Practical
			Training Not NRC Responsibility
			Public Participation in Drills Necessary (+; -)
			NRC Should Develop Drill Criteria
		X	Funding Should Be By Utility
			Funding Should Be By Federal Agencies/States
			Rule Could Be Used to Negate National Energy Policy
			Schedule For Implementation Impractical
			Evacuation Impractical in Some Cases
			Plans Should Be Combined w/Overall Disaster Plans
			Rule Based on Incomplete and Interim Guidance-Impractical
			Rule Changes Interfere w/On-Going Planning-Funding
			NRC Should Deal With States
			TMI Inappropriately Used As Basis for Rule Change
			Off-Site Activities Should Be Function of Government
			Public Proceeding Should Be Held on Rule Change

(Consumers should have a say in what costs they must pay)

PRELIMINARY SUMMARY OF PUBLIC COMMENTS

A. COMMENTS OF FEDERAL GOVERNMENT

1. U.S. House of Representatives, Committee on Interstate and Foreign Commerce, Washington, D.C. (Letter 60, 2/14/80; D 2/15/80).

Comments are general and reflect some of the issues identified in Enclosure B.

"We are compelled to state our strong opposition to NRC's proposed rule on emergency planning (44 Fed. Reg. 75167). Implementation of this proposed rule would seriously hamper commercial use of nuclear power without any significant increase in safety.

"The NRC proposed rule would require the shutdown of operating reactors and prevent the issuance of new operating licenses in those states where state or local emergency plans have not received NRC concurrence. Thus, even though a reactor operator has complied with every requirement of law and directive of the NRC, he could be precluded from operating if the state in which the reactor is located has not promulgated a satisfactory emergency plan.

"State and local emergency response plans are desirable and should be encouraged. These plans are in the best interest of the states and the citizens living near reactors. However, we strongly oppose efforts to impose federal mandatory requirements on the states and to penalize reactor operators and the ratepayers they serve if the state governments are dilatory.

"It is illogical to punish the citizens served by a utility, at a cost of thousands of dollars per day in interest payments and replacement power, for something beyond their control. Furthermore, a rule which would give a governor who wants to preclude nuclear power in his state an opportunity to kill the nuclear option by simply not preparing an emergency plan is idiotic. Although the proposed rule allows an applicant or licensee to operate its reactor by demonstrating to the satisfaction of the NRC that a deficient state or local plan is not significant for its particular plant, this provision does not offer an adequate avenue to licensing. A utility will simply not go nuclear under those circumstances."

2. U.S. House of Representatives, Committee on Science and Technology, Washington, D.C. (Letter 112, 12/20/79; D2/28/80) (Letter 152, 2/15/80; D 3/17/80).

The comments of the entire letter of 12/20/79 (Letter 112) are included in the issues identified in Enclosure B.

* Note: Where comments were directed toward a specific facility, the facility shown at the end of synopsis in capital letters; e.g., (ZION).

"I believe that the Congress will have to watch this situation carefully to assure that the NRC develops a sensible rule which must ultimately include some mandatory requirements for the States to prevent anti-nuclear governors from closing nuclear plants or stopping construction."

3. Congressman Ted Weiss News Release (Workshop 1/15/80)
Rules are inadequate to protect safety of people in high-population areas (INDIAN POINT).
4. The Hon. Lawton Chiles, U.S. Senate. (Letter 127, 1/3/80; D 2/28/80).
No comments; forwards letter from Wynne Conner, Sun City, Fla. See F.3. below.
5. Department of Energy, Washington, D.C. (Letter 139, 3/4/80; D 3/17/80).
Comments are similar to several of those in the issues identified in Enclosure B.

"It is not clear that implementation of the proposed rulemaking will result in a net gain in the public health and safety, but it does give rise to the concern that the concurrence concept has the potential to destroy or severely impact the viability of the nuclear option."
6. Federal Emergency Management Agency, Washington, D.C. Region III, Denver, Colorado, and Region V, Battle Creek, Michigan. (Letter 2, 12/27/79; D 1/11/80) (Letter 74, 2/19/80; D 2/20/80) (Letter 140, 3/7/80; D 3/17/80).

Suggests that NRC develop a specific contract with each State involved. "NRC concurrence should be on the basis of completion of the work stated in the contract; any further requirements should be renegotiated."

"Another consideration is that regulation implies authority of one over another. Contracts, on the other hand, imply some quid pro quo and a degree of partnership in an undertaking. This partnership has not been evident to me in the past, but I feel we have a better chance of getting it through the contract approach than through mere changes to bureaucratic regulations." (Region VIII).

The following is quoted from the FEMA, Washington, letter of 2/19/80.

"Concurrence by NRC is nowhere defined in the rule, except by reference to the NRC 1974 Guide and Checklist NUREG 75/111 and Supplement No. 1 of March 15, 1977 (see footnote 1, page 75170).

"Concurrence under the essentially voluntary program NRC conducted in former times with State and local governments is apparently not the same as the one envisioned here under a formal process described

in this proposed rule. NRC now seems to be taking the position that "concurrence" under the old system is essentially inoperative. A new definition must be designed before the rule can make any sense. The States think of it as it existed in the past; clearly NRC has a new and different view of its meaning. This must be spelled out.

"Also, the rule would make one party's rights dependent upon the action of a third party over which that party has no control. This is, in effect, a third party veto. NRC licensees cannot compel State and local governments to expend public money to develop emergency capabilities. This third party veto, it would seem, could be exercised by a State, or under a new guidance, by any county within 10 miles of a nuclear facility even if the governmental jurisdiction is obtaining no benefit from the nuclear facility. This is why before any decision is made "alternate" actions or compensatory actions should be defined. Furthermore, criteria to ascertain the relative significance of each jurisdiction with a "veto" must be established."

RECOMMENDATIONS OF FEMA

"In view of the changed (and changing) circumstances, FEMA is of the view that this proposed rule should be treated as if it were a continuation of the Advance Notice of Proposed Rulemaking, initiated July 17, 1979 - 44 FR 41483 (see also June 6 petition, 44 FR 32488), and that, upon consideration of the comments made, and after taking into account the provisions of the Memorandum of Understanding (which in itself expires September 30), and the experience now being gained in applying the criteria to existing State plans, a new proposed rule be developed which will proceed in tandem with rules to be developed by FEMA and NRC to implement their planning and preparedness responsibilities outlined in this report.

"Most specifically, we do not think that essential prerequisites for linking State and local emergency response plans to issuance of a license, or close down a reactor are yet in place. The effectiveness of the NRC rule depends upon having in place a Federal capability to review and assess plans and preparedness in accordance with criteria which have been subjected to public scrutiny, and in accordance with well developed procedures. Further, there should be better definition of "deficiencies" which are "not significant" for the plant in question, or "alternative compensatory actions."

"Poses a number of questions to FEMA, Washington, needing clarification and suggestions made to avoid unnecessary duplication of emergency equipment, etc. Responsibilities are not defined."

"With regard to communications links, primary and backup: on the Federal side Region III NRC has only primary communications which is telephone. The same is true for DOE. Neither has radio capability. The problem is with the requirement for back-up communications system. Please clarify." (Region V).

7. Tennessee Valley Authority, Chattanooga, Tenn. (Letter 102, 2/19/80; D 2/27/80).

Comments are similar to some of those in the issues identified in Enclosure B. Requiring submission of many separate plans from States and local governments is unnecessary and costly overplanning.

8. U.S. Department of Health, Education and Welfare; Public Health Service, Food and Drug Administration, Rockville, Maryland (Letter 199, 4/22/80; D 5/7/80).

"Regulatory requirement should be based on a defined need, rationale for provisions and demonstrated evidence that the proposed action will be effective." This has not been done.

Information available indicates that the cost of development, exercise, and annual revision of plans will greatly exceed that noted by NRC.

"The identified benefit based on NRC judgment, is that the proposed rule would provide increased confidence that the public health and safety would be protected. It is certainly not self-evident that this proposed rule will achieve increased public confidence. In fact, many might conclude that it is actions such as these that are not based on sound principles, which have destroyed the credibility of Federal agencies."

"Notwithstanding that the above observations are substantial, the major problem of the proposed rule involves the philosophic basis of the regulatory approach. Federal regulatory agencies have generally imposed regulatory requirements on the manufacturer, owner or user of a given technology to assure the safety of the public. This has been the regulatory approach used by NRC in the licensure program, as provided under Section 12(a)(2) of the Atomic Energy Act to ". . . establish by regulation or order such standards and instructions to govern the possession and use" (emphasis added) "of fissionable and byproduct materials as the Commission may deem necessary or desirable to protect health. . . ."

"To condition the operation of a nuclear power plant on the action of third parties not under the control of the licensee represents a major departure. This would place aspects of continued operation in the hands of a large number of public agencies that have different concerns and priorities than those of the licensed operator. Thus, continued operation may be less than a certainty. Because of the large financial investment in a nuclear power plant (and its public benefit), it is not at all clear that such action is in the public interest."

Conclusion Accordingly, it is suggested that NRC not implement aspects of the proposed rule that would condition nuclear plant operation on the actions of State/local agencies. Rather, NRC should adopt a cooperative approach of working with Federal, State

and local agencies to improve and upgrade radiological emergency response preparedness. Toward this end, NUREG-0654 should be identified as a purely guidance document containing items for consideration by State/local agencies. At the same time, NRC should extract from NUREG-0654 and the proposed rule some items that relate to the operators emergency capability, including aspects such as State/local notification and communications, accident assessment, accident classes, equipment and resources, for inclusion in a new proposed rule that concerns only control over the possession and use.

9. The General Accounting Office

"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)."

10. 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.

11. House Report No. 96-414, "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. The report recommended that NRC, in a leadership capacity, undertake efforts to upgrade its licensees' emergency plans and State and local plans.

12. The President's Commission on the Accident at Three Mile Island.

"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."

B. COMMENTS OF STATE GOVERNMENTS

1. Pennsylvania, Emergency Management Agency, Harrisburg, Pa. (Letter 126, 2/8/80; D 2/28/80).

The whole program of rule changing is impractical. Suggests that real thought be given to developing a practical implementation program that will follow the publication of formal, clear, and complete rules and guidelines.

Specific comments are similar to those of some of the issues identified in Enclosure B. Suggested amendments are given. "What is meant by 'NRC review'?" A number of terms should be specifically defined:

"reasonably", "implementing procedures", "NRC review", "complete alerting." NRC experiences pertaining to planning deficiencies should be promptly reported to States. Local newspapers and the Federal Register are not adequate for notifying States of adverse actions.

2. Maine (Letter 125, 2/11/80; D 2/28/80; Letter 176, 3/12/80; D 4/7/80). Bureau of Civil Emergency Preparedness, Augusta, Me.

The New York Workshop was productive and informative; look forward to similar programs in the future.

The Emergency Broadcast System should be used. State and local entities are not now equipped to comply with rule. Funding should be by utility and utilities should be relied on for emergency plans.

3. Minnesota

- a. Department of Health, Minneapolis. (Letter 10, 1/17/80; D 1/25/80). Comments were similar to those of the State below.
- b. Department of Public Safety, Division of Emergency Services, St. Paul. (Letter 107, 2/19/80; D 2/27/80) (Also submitted through The Hon. Bill Frenzel, U.S. House of Representatives; Letter 161, 3/7/80; D 3/17/80; and The Hon. Rudy Beschwitz, U.S. Senate; Letter 180, 4/2/80; D 4/7/80).

At the workshop there were contradictions stated by the NRC panel. Comments are similar to some of those in the issues identified in Enclosure B. Alternative B seems more reasonable than Alternative A, but changes in them or a combination may be preferable. Minnesota is currently seeking concurrence on its emergency plan but NRC changes in rules makes the process difficult.

4. Iowa Office of Disaster Services, Des Moines. (Letter 67, 2/7/80; D 2/19/80).

"The State of Iowa strongly objects to the proposed rule change due to the dangerous precedent that would be established by its adoption."

Comments reflect those of the issues identified in Enclosure B and those of other States related to political and jurisdictional considerations. "Nuclear energy is critical to this nation at this time." "Yet one official at community or county level can cause the shut down of a plant, not even in his state, simply through inaction if he is so inclined."

- 5.a. South Carolina, Office of the Governor, Columbia. (Letter 17, 47, 1/31/80; D 2/7/80, D 2/13/80).

Comments are similar to those of the issues identified in Enclosure B in most regards. Comments on funding in the issues identified in Enclosure B were copied from the State's comments. Federal agencies should deal with States, not local jurisdictions.

- 5.b. South Carolina, Emergency Preparedness Division, Off. 7th Adjutant General, Columbia. (Letter 170, 3/18/80; D 4/3/80).

The 15-minute notification requirement is unrealistic. "The South Carolina Emergency Preparedness Division does not have the time, personnel or funds to exercise three or more plants each year." The Governor should determine when and what information is released to the public.

6. Michigan, Emergency Services Division, Department of State Police. (Letter 16, 1/22/80; D 2/7/80). (Assigned by the Governor to comment).

Comments are similar in part to the issues identified in Enclosure 3. Emphasis is placed on consideration for notification of the blind, deaf, and non-English-speaking community; and on funding problems.

7. Kentucky, Department of Military Affairs, Frankfort. (1/2 Letter 34, 1/23/80; D 2/7/80).

Comments are generally in favor of the proposed rule. "Two areas that must be addressed at a future date are (1) funding and (2) the off-site monitoring capability of state and local agencies."

8. Virginia, Office of Emergency and Energy Services, Richmond. (Letters 81, 97, 2/11/80; D 2/21/80 and D 2/22/80).

Comments seem to be generally favorable to the proposed rule. Suggested alternative or modified wording is given. Alternative A is preferred. Comments on funding as in the issues identified in Enclosure B are given. One Federal review should suffice, i.e., FEMA.

9. Indiana, Department of Civil Defense and Emergency Management, Indianapolis. (Letter 20, 1/29/80; D 2/7/80).

Comments are generally to the effect of concurrence and preference for Alternative A, with minor exceptions in regard to EPZ's evacuation and dates required for approval. The Department will cooperate wholeheartedly in the mutual goal.

10. Kentucky, Legislative Research Commission, Frankfort. (Letter 4, 12/28/79; D 1/18/80).

Concurs in the proposed rule.

11. Arizona, Division of Emergency Services, Phoenix. (Letters 137, 148, 150, 191, 2/28/80; D 3/4/80 and D 3/17/80, D 5/7/80).

Comments are similar to those of the issues identified in Enclosure B and others with regard to government-utility questions and FEMA.

12. Rhode Island, Defense Civil Preparedness Agency, Providence. (Letter 153, 2/25/80; D 3/17/80).

Alternative B is suggested for § 50.47, Appendix E, Section II, and Appendix E, Section III; Alternative A for § 50.54.

13. New Jersey, Department of Law and Public Safety, Division of State Police, West Trenton. (Letter 154, 2/22/80; D 3/17/80; Letter 192, 2/28/80; D 5/7/80) (Department of Environmental Protection).
- a. The NRC role during the course of a nuclear emergency (accident) must be clearly defined so that the State can understand our joint responsibilities and plan accordingly in a cooperative manner.
 - b. It must be clearly defined that the Governor (State) is the final authority and will render the critical decisions during a nuclear emergency).
 - c. There is a compelling need for the State to be aware first hand of what NRC is requiring of the licensee or local authority rather than learning it in a roundabout way.
 - d. We have reservations about compelling the licensee to formulate plans impacting on "Public Safety" as we deem it the State's responsibility.

We find either one of the alternatives in 10 CFR Part 50, Appendix E acceptable although we believe it's a waste of time to have the applicant provide an analysis of the time required to evacuate various sectors in the plume exposure pathway.

I would suggest at this time that NRC consider plant siting more critically, i.e., no inhabitants, housing allowed within close proximity before granting licenses to operate nuclear reactors.

14. Georgia, Environmental Protection Division, Department of Natural Resources, Atlanta. (Letter 156, 3/4/80; D 3/17/80).

Comments are similar to those of other States. In general, concurs in the proposed rule. The roles of FEMA and NRC appear to be somewhat confusing and need clarification. Concern is expressed that the ground rules are changing that could waste efforts already made.

"The State of Georgia recommends that part of the NRC license fees charged to the utilities be returned to state and local governments for use in defraying radiological emergency response activity costs."

15. Connecticut, Hartford.

- a. Department of Public Safety, Office of Civil Preparedness. (Letter 149, 2/28/80; D 3/17/80).

The workshop failed because of disruptions.

There is too short a time for comment in depth. Comments were similar to some of those in the issues identified in Enclosure B

with regard to the 15-minute warning time, deadline for concurrence, clear Federal Guidance and exact parameters established, interim guidance is a wasteful effort. Connecticut has no county governments this should be considered in planning guidance.

- b. Department of Environmental Protection. (Letter 128, 2/22/80; D 2/28/80).

Generally concurs in the proposed rule. Additional cost to State and local governments should be funded by NRC.

16. New Hampshire, Civil Defense Agency, and Office of the Attorney General, Concord. (Letters 118, 138, 147, 1/80 and 2/28/80; D 3/4/80 and D 3/17/80).

In general, supports the proposed rule. However, an emergency system should be available and applicable to all hazards. Comments are similar to some of those of other States. Plans should address the different problems for urban and rural populations. A footnote requirement is not appropriate.

"---the rule must avoid the situation of one community, unable to commit resources to the preparation of an emergency plan, preventing the operation of a nuclear facility. If one community is unable to prepare a plan, then state utility or federal officials must take up the slack. Concurrence should be based on the adequacy of the plan as a whole, and not on who prepared it."

The utility should bear the burden of plans as a cost of power generation and reflected in actual costs of production. While other suggestions for funding have been made, legislation at Federal and State levels might be necessary. The State prefers Alternative A.

17. Arkansas, The Governor, Little Rock. (Letter 108, 2/19/80; D 2/27/80).

Generally concurs with the proposed rule. Comments are similar to some of those in the issues identified in Enclosure B. Regulations should include language which permits, and perhaps encourages, States and local authorities to adopt stricter criteria than NRC.

18. Illinois, Emergency Services and Disaster Agency, Springfield. (Letter 53, 1/18/80; D 2/28/80; and Letters 59, 116, 2/6/80; D 2/13/80).

Comments are similar to those of the issues identified in Enclosure B and those of other States with regard to "guidance not yet developed" by NRC, funding and jurisdictional problems, unrealistic time schedules, and FEMA.

19. California, Office of Emergency Services, Sacramento. (Letter 122, 2/15/80; D 2/28/80).

"a. Development of comprehensive emergency response plans is more complex than acknowledged by the NRC, (reference NUREG 0396).

- b. The time to accomplish the revision of existing plans and development of new plans in the 10-mile EPZ is unrealistic.
 - c. California's legislative mandate regarding emergency response planning will not enable us to meet the proposed NRC time schedule for review and concurrence.
 - d. It is not clear to us whether the requirement for NRC review of implementing procedures applies to on-site, off-site, or both.
 - e. The combination of Alternatives A and B would be the most effective way of ensuring adequate plans are available for protection of public health and safety.
 - f. Factual public information must be developed and distributed."
20. Maryland, Department of State Planning, Baltimore. (Letter 136, 2/15/80; D 2/29/80).

Comments are similar to a number of those in the issues identified in Enclosure B and those of other States. Do not feel enough attention has been given to emergency planning for research reactors.

21. Washington, Energy Facility Site Evaluation Council, Olympia. (Letter 63, 1/15/80; D 2/13/80). (Designated by the Governor to submit comments for the State.

The State of Washington's position regarding the proposed NRC emergency response regulations is as follows:

- a. The state prefers Alternate A which seems to provide a great deal more case by case flexibility to the Commission.
- b. With regard to Section 1 of Alternate A, we have four points to suggest in rewording the section:
 - (1) The state should be responsible for plan development.
 - (2) The state should be responsible for plan implementation.
 - (3) The state plan and implementation program should provide for local government involvement where possible and necessary.
 - (4) There is a need for overriding authority to mandate contiguous state plan development where necessary.
- c. With regard to Sections 2 and 3 of Alternate A we suggest the following rewording wherever the phrase "appropriate state and local emergency response plans" occurs: "appropriate state emergency response plans containing elements for local involvement where possible and necessary."
- d. With regard to Section 4, Alternate A, it is our understanding that continued concurrence in a state plan is based on ability

to implement that plan, not on frequent and unpredictable changes in plan criteria.

- e. With regard to Section 4 of the proposed regulations, it is the state's position that the 50 mile "emergency planning zone" must be limited to those areas under the jurisdiction of the United States and the affected states. Further, that consideration must be given to appropriate means of cooperating with other nations which may be affected by an emergency planning zone.

In summary, it is the position of the State of Washington that appropriate emergency response plans must properly be developed by the states, and state plans are the appropriate level for NRC concurrence. It is important that the state plans incorporate the involvement and participation of local jurisdictions where possible and necessary. With the extension of the "EPZ" to a 50 mile radius depending on numerous local governments to develop individual plans for concurrence will result in a fragmented and inefficient process.

Further, it is our position that extension of the "EPZ" to a 50 mile radius will involve an increased number of contiguous states. Means must be available to ensure that the failure of a single adjoining state to develop appropriate emergency response plans does not result in the failure to be able to operate a needed thermal power plant.

- 22. The Hon. John L. Behan, Assembly, New York State, Albany. (Letter 123, 1/23/80; D 2/13/80).

Ten miles is too short a distance for evacuation, e.g., New York City residents may possibly be effected. On Long Island, the 10-mile radius proposal becomes completely unworkable. If the Shoreham and Jamesport plants are opened, which he opposes, an evacuation plan should be formulated for all territory east of Shoreham. (SHOREHAM, JAMESPORT).

- 23. Port Authority of the State of New York, New York, N.Y. (Letter 101, 2/19/80; D 2/27/80).

Although not a member, the Authority agrees and joins in the comments of the Edison Electrical Institute (see G below). Planning by local governments should be reviewed in context with plans of the State. The proposed rule constitutes a substantial imposition of Federal authority on hitherto local decision-making power concerning public safety.

- 24.a. Alabama Department of Public Health, Montgomery. (Letter 172, 3/28/80; D 4/3/80).

It appears that NUREG-0654 was drafted by people who have had little experience with the problem. "No cost benefit is given to support the need for such fast action." It seems a NEPA review is required. Further guidance is needed. Definitions are not clear; more are needed.

- 24.b. Alabama Civil Defense Department, Montgomery. (Letter 178, 4/1/80; D 4/7/80) (Letter 179, 4/3/80; D 4/7/80).

Consumers should have a say in costs they must pay. There should be clearer definitions and guides. Supports petition filed by Dubois and Liberman (see G.12).

25. Nebraska, Department of Environmental Control, Lincoln, Neb. (Letter 186, 4/15/80; D 4/24/80).

Financing alert systems need more attention. Sirens are not adequate in rural areas. NOAA weather radios should be used. The 10-mile EPZ is not adequate.

26. Delaware, Department of Public Safety, Delaware City. (Letter 194, 3/4/80; D 5/7/80).

Favors Alternative A. Delays in publishing up-dated rules and regulations causes delays in planning. Technical assistance and funding is required and has not been addressed at the Federal level.

27. Illinois, Emergency Service and Disaster Agency, Springfield. (Letter 195, 3/14/80; D 5/7/80).

"Our design of the plan for Illinois is complete enough so that we should have no problem in meeting most of the criteria. However, the criteria themselves present some problems that needlessly complicate or confuse the process. Some of the evaluation criteria are vague or poorly defined. Some contain explicit requirements, instead of objectives. Furthermore, the burden has been placed squarely on the state and local governments, while FEMA has provided little additional direct support. I am aware, of course, that unless Congress passes the requested supplemental appropriation for FEMA, there is little FEMA can do. I am also aware that the likelihood of such funding is less than assured."

28. New York, Department of Health, Office of Public Health, Albany. (Letter 196, 3/17/80; D 5/7/80) (Includes views of Office of Disaster Preparedness and Energy Office).

Primary authority should be with the State, not the licensee. Licensees should notify States and states that have the capability should perform offsite monitoring.

The necessity to use changing revisions of Federal Guidelines and incomplete or confusing definitions for developing State and local plans is of concern. Evacuation requirements need more evaluation and clarification. There is confusion concerning jurisdiction and authority of licensee, Federal, State and local agencies; and account is not taken of State and local laws; e.g., funding aspects, and timing thereof. Schedules for implementation are not realistic.

NRC and FEMA should completely review all comments and revise the rule and supporting documents before requiring the development of revised emergency plans.

"It is one thing to write a plan in a few months and quite another to ensure its feasibility."

C. COMMENTS OF COUNTY GOVERNMENT

1. Luzerne County Civil Defense Council, Wilkes-Barre, Pa. (Letter 123, 1/16/80 and 2/8/80; D 2/28/80).

The local demonstrations at the Workshop prevented adequate participation of people from distant areas. Specific comments are similar to those of the issues identified in Enclosure B. Alternate evacuation plans should be made, e.g., a 20-mile evacuation plan should be held in reserve.

2. Richland County-City of Columbia, Civil Defense, Columbia, S.C. (Letter 25, 1/7/80; D 2/7/80).

Comments are similar to those in the issues identified in Enclosure B with regard to jurisdiction and authority, usurption of constitutional authority of local government. "Local governments can not take on additional responsibilities without a corresponding substantial subsidy."

(Letter 24, 1/4/80; D 2/7/80) A study is provided indicating that facilities are not sufficient to handle a serious nuclear emergency arising from operation of the V. C. Summer plant. Recommends that the State's Adjutant General be asked to review requirements and provide advice (SUMMER).

- 3.a. Monroe County Board of Commissioners, Mich. (1/17/80).

Concurs with proposed rule; emphasizes need for better coordination with and funds from utilities.

- 3.b. Monroe County Office of Civil Preparedness, Monroe, Mich. (Letter 23, 1/21/80; D 2/7/80).

Endorses proposed rule.

4. County of San Diego Office of Disaster Preparedness and Fire Services, El Cajon, Calif. (Sent by State of California Office of Emergency Services, Letter 122, 1/16/80).

Generally agrees with proposed rule. Emphasizes training for all concerned.

5. Berrien County Sheriff Department, Office of Emergency Preparedness, St. Joseph, Mich. (Letter 7, 1/11/80; D 1/25/80).

The proposed rule would necessitate time for county government to study requirements including costs in obtaining and maintaining concurrence on a yearly basis. Comments appear to suggest that the rule would be a burden on the county, but no agreement or disagreement is stated.

6. County of Suffolk, New York. (Submitted by Reilly and Like, Attorneys at Law, Babylon, N.Y.) (Letters 157, 190, 2/26/80; D 3/17/80).

Evacuation of the population within a 10-mile radius, which may itself be inadequate, cannot be accomplished in less than several days. The County as an intervenor in the construction license of Jamesport and the operating license of Shoreham (SHOREHAM, JAMESPORT).

7. County of Ocean, Office of Defense and Disaster Control, Toms River, N.J. (Letter 129, 2/19/80; D 2/28/80).

Lists current facilities and deficiencies needing correcting to meet approved emergency response. There are severe budget limitations.

8. Putnam County, Office of Civil Defense, Carmel, N.Y. (Letter 132, 2/13/80; D 2/28/80).

Comments are "pretty much covered" by other people at the Workshop so far as could be heard above dissenters. Have good relations with utilities (INDIAN POINT).

9. San Luis Obispo County, Emergency Planned Development Committee, Calif. (Letter 122, 1/15/80; D 2/28/80 attached to California comments, B.19. above).

Represents a number of county governmental agencies in comments. Opposes any change in regulations that would establish NRC as a review authority over locally adopted emergency planning.

D. COMMENTS OF LOCAL GOVERNMENTS

1. Village of Winnetka, Ill. (no date, Workshop Letter 30, 1/22/80; D 2/7/80).

Comments refer to concern about waste storage. "We urge that no action be taken--[by NRC]--until a safe plan is produced by all concerned for nuclear waste storage" (ZION).

2. Rochester, Office of Emergency Preparedness, Rochester, N.Y. (Letter 159, 2/13/80; D 3/17/80).

Every effort is being made to complete a plan by the end of the year by Monroe County. Wayne County is upgrading its plan. The Ginna plant should not be shut down (GINNA).

3. Town of Haddam, Office of Selectmen, Haddam, Conn. (Letter 134, 2/14/80; D 2/28/80).

Communications and warning systems are currently deficient. (No adverse comments on the proposed rules were voiced) (CONNECTICUT YANKEE).

E. COMMENTS OF CONCERNED GROUPS AND ORGANIZATIONS

1. Friends of the Earth

- a. San Francisco, Calif. (Letter 51, 1/31/80; D 2/13/80).

Applauds efforts of NRC. "We are concerned, however, that the problem may be insolvable; no amount of preparation can protect the public from the consequences of a serious accident at a nuclear power plant."

- b. New York, N.Y. (Letter 21, 1/29/80; D 2/7/80).

Objections stated to NUREG-0396, EPA/1-78-016. (Letter 11, 1/29/80; D 2/7/80).

"-- its prime effect is reliance on the discredited --(Wash-1400); even this reliance is, however, selective rather than consistent."

2. Sheldon, Harmon & Weiss, General Counsel, Union of Concerned Scientists, Washington, D.C. (Letter 69, 2/19/80; D 2/19/80).

Find "serious shortcomings in both alternatives proposed by NRC." A 10-mile emergency planning zone for plume exposure is clearly inadequate. "Alternative 'B' is preferable to Alternative 'A', but both lack sufficiently specific standards for exemptions." "Appendix E does not clarify the relationship between emergency planning and site evaluation."

3. Emergency Response Task Force, Oaktree Alliance, Paso Robles, Calif. (Letter 13, 1/24/80; D 2/7/80).

"There are too many loopholes in the form of exemptions from the proposed rules." Suggestions are made for approving evacuation plans, to include: practice drills involving one-third of the population in a zone; independent monitoring of radiological samples; include all unscheduled radiological releases, applicant should bear "full" financial responsibility for additional costs that local governments might incur.

4. The Nuclear Law Center, Beverly Hills, Calif. (Letter 75, 2/15/80; D 2/20/80).

Comments are similar in a few respects to those in the Reference Comments. Plans already exist. "These plans could, with assistance of the Federal Emergency Management Agency (FEMA), be upgraded and redrafted to include a nuclear disaster contingency." Favors Alternative B. Emphasizes coordination of plans for other natural disasters and combinations with regard to evacuation plans.

5. Sensible Maine Power, East Boothbay, Me.

Supports the proposed rule (MAINE YANKEE).

6. Texas Public Interest Research Group, Houston, Tex. (Letter 8; D 1/25/80).
 "TexPIRG urges that emergency procedures planning be linked to siting policy to ensure that emergency procedures can be carried out at optimal levels at alternative sites, and that siting and emergency procedures policies should consider radii of 40-50 miles" (ALLENS CREEK).
7. New York Public Interest Research Group, New York, N.Y. (Workshop statement of David Sand, 1/15/80).
 "We consider these proceedings at best a waste of time, and at worst an attempt to deceive the public into believing that something meaningful is being done to protect them." Protests the 10- and 50-mile EPZ's. No plans will adequately protect the public.
8. The Committee to Protect Children from Nuclear Dangers and 7. above, Statement of Joan Holt. (Workshop 1/15/80).
 Comments similar or the same as 7. above.
9. Brooklyn SHAD, Brooklyn, N.Y. Statement of Marc Gross, (Letter 117, Workshop 1/15/80; D 2/28/80).
 Comments similar to 7. and 8. above.
10. Village Independent Democrats, New York, N.Y. (12/10/80).
 Similar to above.
11. Susquehanna Alliance, Lewisburg, Pa. (Letter 114, 2/15/80; D 2/28/80).
 Comments are similar to others concerning the adequacy and inadequacy of the proposed rule to protect the public and the failure to respond to some comments from the public. Individuals involved should have a direct means of insuring that emergency measures are adequate. Supports Alternative B. "NRC should recognize the public's right to a public hearing." Suggestions are made for providing more restrictive measures than the proposed rule.
12. Citizens for a Better Environment, Milwaukee, Wis. (Letter 104; D 2/27/80).
 By these emergency planning regulations, the Nuclear Regulatory Commission is responsible to the public mandate that calls for the increased protection of the health and safety of citizens. The proposed regulation, however, does not fulfill that mandate. The implementation and enforcement of a vague and ambiguous rule which, in most part, disallows public participation is a half-hearted attempt to put nuclear power back on-line again.

13. Critical Mass Energy Project, Washington, D.C. (Letter 105, 2/22/80; D 2/27/80).

In general, supports the proposed rule, but feels it requires strengthening to provide adequate planning. A number of suggestions are given for wording and rewording. Supports Alternative B. EPZ's should be 30/100-mile

14. League of Women Voters, San Luis Obispo, Calif. (Letter 17, 2/14/80; D 2/18/80).

Not only should plans be approved, but also the means for implementing the plans fully. Favors Alternative B. Insufficient or no justification is given for a number of parameters mentioned in the proposed rule. A number of terms need clarification, e.g., use of the term "reasonably". The public should be involved as much as is practical, short of actual evacuation, in drills.

15. The Queens Safe Energy Coalition, Flushing, N.Y. (Letter 55, 1/15/80; D 2/13/80).

"There is no such thing as safety where radiation is concerned."
"--WE DO NOT WANT 'DEATH LADEN' NUCLEAR POWER PLANTS."

16. San Luis Obispo Area Task Force on Nuclear Power Issues, San Luis Obispo, Calif. (Letter 91, 2/15/80; D 2/22/80).

Joining in submission:

Of San Luis Obispo:

The Sierra Club
Mothers for Peace
Concerned Physicians
People Generating Energy
Concerned Architects
The Concerned Citizens

and:

South County Voters Against
Diablo, Grover City
Citizens Opposing Radioactive
Cayucos, Cayucos
Seaside Survival Group,
Baywood Park
Solid Rock, Morro Bay
Concerned Citizens of Shell
Beach, Pismo Beach
Oak Tree Alliance, Atascadero

Detailed comments are provided as are suggested changes in the proposed rule. The proposed rules do not adequately protect the public. They contain too many loopholes and exemptions opportunities.

17. Montgomery County Citizens Energy Alliance, and Beltway Alliance for Safe Energy, Takoma Park, Md. (Letter 65, 2/19/80; D 2/19/80).

The 10/50-mile EPZ's are unrealistically low. Class 9 events should be considered. Reference to "meteorological" and "meteorology" should be added in some places. Recommend Alternative B in all instances. Suggested changes in wording are included.

18. Roger M. Leed, Law Offices, Seattle, Wash. (Letter 173, 3/28/80; D 4/3/80). (Represents Skagitarians Concerned About Nuclear Plants, SCANP).

SCANP's emphasis is on rules relating to plants not yet licensed; CP. NRC emphasized solicitations of comments from licensees and applicants, and not a more balanced sample of interested parties, one-sided. The Commission has not done its job in emergency preparedness. Information required at the CP state is inadequate. The EPZ concept is inadequate. Funding of inter-government agencies is a problem. Plants should not be operating without current approved emergency plans. They should be shut down now, until adequate plans are developed. Specific suggestions for rule changes are given.

19. Floridians United for Safe Energy, Miami, Fla. (Letters 182, 185, 198, 4/25/80; D 4/24/80, D 5/7/80).

The nuclear industry must assume financial responsibility for preparedness protection of all residents. Use of the Federal Register for notification is inadequate. Commercial fishing grounds are not properly considered. Non-volatile solids from a nuclear explosion are not properly considered. A schedule of payment by the utility is proposed for each citizen of several categories of citizens for protection.

F. COMMENTS OF INDIVIDUALS

1. Elliot Bezic, (address unknown, N.Y.?) (Letter 38, no date; D 2/13/80).

Supports Alternative B.

2. Julie Burke Miller, Lagrange, Ky. (Letter 84; no date; D 2/21/80).

Supports requirements for approval of evacuation plans prior to licensing.

3. Wynne Connor, Sun City Center, Fla. (Letter 127, sent through Senator Chiles, see A.4. above). (D 2/28/80).

A utility has no legal authority over State and local governments. NRC has been "dragging its feet" in providing aerial photographs requested and needed in planning. The emergency response team has not been trained. Federal matching funds cut off for implementing an emergency program in Citrus County. FEMA and NRC should work together to make nuclear power safe. Believes nuclear power is needed. She is disturbed that power plants could be shut down because the county refuses to develop a plan, although she is sure the county will develop a plan.

4. Drs. John M. Shepherd and Dr. Vicki R. Thingelstad, Optometrists, La Grange, Ky. (Letter 66, 2/11/80; D 2/19/80).

"I am definitely in favor of the proposal if the filing of the plan is required before a nuclear facility can be allowed to go on line. Adoption of the proposed rules gives those living in close proximity to the plant an opportunity to have some voice in the disposition of their future."

5. Terry F. Braehler, Pee Wee Valley, Ky. (Letter 68, 2/9/80; D 2/19/80).
Briefly, in favor of proposed rule.

6. Marc Jampole, San Francisco, Calif. (Letter 52, 1/17/80 (Workshop);
D 2/13/80).

"Without an efficient evacuation plan, we can not tolerate commercial nuclear power plants."

"I have outlined what I believe are essential elements of any emergency evacuation plan. To recapitulate, any emergency evacuation plan must include the following: 1) Contingencies for the worst case scenario. For Rancho Seco, that means evacuation within hours of over 7 million persons from a 2,000 square mile area. 2) Total pecuniary compensation to displaced persons as a necessary requirement before an evacuation plan is approved. 3) Stipulation that continuing education and frequent drills in schools and businesses be a requirement in the worst-case area surrounding a nuclear power plant. 4) Shut down of all nuclear power plants in operation, and a moratorium on the licensing of new plants until a safe, efficient evacuation plan, which includes the above proposals, is approved by the NRC and implemented by the States and utility companies." ("Worst-case reference is WASH-1400) (RANCHO SECO).

7. Margaret Bishop, Houston, Tex. (Letter 14, no date, D 2/7/80).

Increase the 10-mile area to 50 miles.

8. R. Reinecke, Alpharetta, Ga. (Letter 46, no date; D 2/13/80?).

Questions in general are similar to Reference Comments. "Making" news; helping the news media, use local officials' experience for evacuations; time for "concurrence" can be met (basis for deadline) should not cater to media?" "In summary, as a positive comment, the proposed rule should not be implemented either as alternate A. or B. The acceptable alternative is the present rule."

9. Frazier L. Bronson, Northbrook, Ill. (Letter 15, 1/23/80; D 2/7/80).

I firmly believe that all reasonable efforts should be expended to reduce unnecessary radiation exposure, but that this should not be out of proportion to the benefit gained. Anything beyond this represents an unnecessary expense to me as both a taxpayer and a utility ratepayer.

It is therefore recommended that a cost/benefit analysis similar to that required under Appendix I be conducted. If the total national incremental cost of the proposed augmented emergency plan for the life of the plants affected divided by the incremental reduction in dose-commitment to people from all expected accidents at all plants is in excess of \$1000.00 per man-rem, this action should not be taken. (Respondent is a health physicist.)

10. Elizabeth Smith, Downingtown, Pa. (Letter 18, 1/23/80; D 2/7/80).
A good evacuation plan for at least a 30-mile radius should be included. "I hope that-- no more plants will be proposed"---("with the problems they've run into").
11. Tony C. Tillman, LaPlace, La. (Letter 79, 2/13/80; D 2/20/80).
Prefers Alternative A, but Alternative B could be improved. "I suggest that the construction permit for Waterford III be revoked or suspended until your regulations are finalized" (WATERFORD).
12. Flora Friedman, Highland Park, Ill. (Letter 35, 1/22/80; D 2/15/80).
States concern about plane crashes into spent fuel pool. Plants should not be built in a populated area. Evacuation plans are non-existent or feeble (ZION).
13. Donald D. Weaver, Simonton, Tex. (Letter 118, 12/11/79; D 12/31/79).
The 10-mile radius for evacuation should be extended to 50 miles. Plants should be located in remote areas.
14. James J. Zach, Two Rivers, Wis. (Letter 119, 1/2/80; D 1/11/80).
No evacuation at Three Mile Island was necessary. The new rules seem unnecessary and could lead to more harm than good to the public.
15. Eva Marmorstein, New York, N.Y. (1/14/80)
Adopt Alternative B.
16. Judith Farrell, Plymouth, Mass. (Letter 6, 12/14/80; D 1/18/80).
"Evacuation plans are by no means complete." Evacuation would take at least two to three hours (PILGRIM).
17. Marlene G. Seidts, Phoenixville, Pa. (Letter 141, 3/3/80; D 3/17/80).
The making of emergency planning equivalent in importance to siting and design is plausible. Alternatives, however, should be more stringent. NRC should reconsider its construction permit for Limerick (LIMERICK).
18. Emil G. Garrett, Lt. Col., USA (Ret.), Stockton Springs, Me. (Letter 145, 2/25/80; D 3/17/80; Letter 175, 4/1/80; D 4/7/80).
Supports proposed rule. Suggests deletion of reference to "Expected Frequency" in NUREG-0610 as it tends to downgrade emergency planning. There should be more public participation in reviews. The "Criteria" should require that State funds be identified to provide for a continued capability.

Prefers Alternative A or B in some sections. Clear definitions are needed. Class 9 accidents are not adequately addressed. Funding is not adequately addressed.

19. Arnold F. Willadsen (?), Ft. Lauderdale, Fla. (Letter 113, 2/16/80; D 2/28/80).

Too bad about interruptions at New York Workshop. Funding seems to be a problem. New Jersey has a program for providing funds for emergency plans for municipalities around nuclear plants. A similar system might be considered in other areas.

20. Kenneth Alcott, San Rafael, Calif. (Letter 120, 1/17/80; D 2/28/80).

Generally concurs in the proposed rule. Concerned about operating plants that currently do not have approved plans. Informing the public of emergency procedures should be more often than yearly. Rapid warning in case of an emergency is highly questionable.

21. Dennis Dums, (Letter 100, no address, no date; D 2/27/80).

The proposed rule does not provide for the public and local and State planners to be in on the concurrence procedures.

22. Angela S. Howard, Charlotte, N.C. (Letter 45, no date; D 2/13/80).

"But penalizing our nation's energy supply by shutting down reactors or not licensing plants because state plans have not received NRC approval is insane." "This lack of action on the part of NRC is only one small example of your agency's lack of decisive action." "Please get yourself in gear!"

23. James Gaut, Pottstown, Pa. (Letter 37, 1/23/80; D 2/13/80).

"--that no plant should be allowed to use nuclear power unless it would be possible to get people out of a 30 mile radius very quickly." Limerick should not be allowed to operate and plants near New York City and Chicago should not go on operating (LIMERICK, et al.).

24. Donald W. Hyde, Riverside, Calif. (Letter 93, 2/15/80; D 2/22/80).

"And, the only solution, if it isn't already too late, is truly to shutdown the nuclear industry now." Just in case: in neither Alternative A or B should exemptions be allowed. Realistic EPZ's must be established, regardless of difficulties; 15-minute warning is good.

25. Majorie M. Aamodt, Coatesville, Pa. (Letter 94, 2/19/80; D 2/22/80).

For the EPZ of 50 miles, "sheltering needs to be planned." "The expense of required emergency plans should be the responsibility of the utility."

26. Alexander Grendon, Sacramento, Calif. (Letter 1, 12/29/80; D 1/7/80).

Comments are generally along the lines of the issues identified in Enclosure B, but mostly in regard to technical changes in wording and definitions. Alternative A is preferable in § 50.54(t). Alternative B is preferable in Appendix E, Section II and Appendix E, Section III. There seems to be no material difference in alternatives § 50.47(a).

(Respondent is a well known scientist, health physicist, former administrator of radiological health and related programs of the State of California and former professor at the University of Berkeley; Col., USA (Ret.).)

27. Sherwood Davies, P.E., Delmar, N.Y. (Letter 188, 4/17/80; D 4/24/80).

Guidance is not clear with regard to requirements of operator and State/local government. Including all local agencies up to 50 miles is questionable as to purpose and need. All ingestion and inhalation pathways should be considered (tobacco crops, swimming, etc.). Terms need to be better defined. Various guidance issue is ambiguous.

G. COMMENTS OF UTILITIES AND REPRESENTATIVES

1. Chickering and Gregory, Law Offices, San Francisco, Calif. (Representing Southern California Edison C.) (Letter 70, 2/15/80; D 2/19/80).

Comments from this source follow all of the issues identified in Enclosure B.

2. KMC, Inc., Washington, D.C.

- a. (Petition, 2/14/80; D 2/14/80). Representing:

American Electric Power Company
Baltimore Gas & Electric Company
Cincinnati Gas & Electric Company
Commonwealth Edison Company
Consumers Power Company
Detroit Edison Company
Duquesne Light Company
Florida Power & Light Company
Jersey Central Power & Light Company
Maine Yankee Atomic Power Company
Mississippi Power & Light Company
Nebraska Public Power District
Northern States Power Company
Omaha Public Power District
Pacific Gas & Electric Company
Public Service Electric & Gas Company
Southern California Edison Company

Petition relating to adversity to the "15-minute alert within 10 miles of a nuclear facility." Discussion is similar to that of much of the issues identified in Enclosure B on this subject.

- b. (Letter 61, 2/15/80; D 2/15/80). Representing those listed in a. above and:

- Arkansas Power & Light Company
Florida Power Corporation
GPU Service Corporation
Sacramento Municipal Utility District
Toledo Edison Company

Workshops were unsatisfactory; not enough opportunity for utilities, States and local governments to participate, especially in New York. Comments are similar to those in the Reference Comments. A public proceeding on this rule making is suggested as a proper forum. Terms need to be specifically defined and clarified. Considerable comments are given on "concurrence." As in the issues identified in Enclosure B, specific revisions are suggested.

- c. Letter to FEMA. (Letter 160, 3/14/80; D 3/17/80).

Refers to comments in b. above.

3. Rochester Gas & Electric Corp., Rochester, N.Y. (Letter 88, 2/21/80; D 2/22/80).

The comments of the Edison Electrical Institute (below) are supported. Comments are similar to some of those in the issues identified in Enclosure B. Dates of requirements are unrealistically short (GINNA).

4. Commonwealth Edison, Chicago, Ill. (Letter 76, 2/15/80; D 2/20/80).

Comments are similar in many respects to the issues identified in Enclosure B. (See also G. 2. above.)

5. Baltimore Gas and Electric, Baltimore, Md. (Letter 77, 2/15/80; D 2/20/80).

See G. 2. above. Additional comments are similar to several in the issues identified in Enclosure B, especially as to definitions, EPZ's, and FEMA.

6. Puget Sound Power & Light Co., Bellevue, Wash. (Letter 80, 2/15/80; D 2/21/80 and 2/22/80).

Concurs in the comments of the State of Washington (B. 21). (See also 13.b. below.)

7. Yankee Atomic Electric Co., Westborough, Mass. (Letter 20, 1/29/80; D 2/7/80. Letter 62, 144 2/12/80; D 3/17/80. Letter 130, 2/19/80; D 2/28/80).

Deep concern and dissatisfaction with the ability to receive feedback from NRC and others at the Workshop because of disruptions from those not representing the public. There should be a repeat workshop for Region I, not in New York City. Comments are similar to a number of those in the issues identified in Enclosure B, including suggested rewording. Delete references to alternatives. Estimated costs (NRC's) appear to be quite low.

8. Niagara Mohawk Power Corp., Syracuse, N.Y. (Letter 143, 3/5/80; D 3/17/80).

Comments are similar to those of the issues identified in Enclosure B with regard to FEMA. Supports Alternative A. Questions FEMA's-NRC's ability to review all plans by January 1, 1981. Compare costs/benefits.

9. Atomic Industrial Forum, Inc., Washington, D.C. (Letter 110, 2/20/80; D 2/28/80).

Comments and rewording suggestions are similar in most respects to those of the issues identified in Enclosure B, and similar to others in a number of respects (consideration of other emergencies, FEMA, need for definitions, time limits, etc.).

10. Mississippi Power & Light Co., Jackson, Miss. (Letter 135, 2/19/80; D 2/29/80).

Comments similar to those of the issues identified in Enclosure B. (See also G.2 above).

11. Washington Public Power Supply System, Richland, Wash.

Comments are similar to those in the issues identified in Enclosure B, including many suggested changes. (Letter 106, See also 12 below).

12. Debevoise & Liberman, Law Offices, Washington, D.C. (Letter 87, 2/19/80; D 2/22/80. Letter 92, 2/19/80; D 2/21/80).

Duke Power Company
Texas Utilities & Generating Company
Washington Public Power Supply System

Comments are similar to some of those in the issues identified in Enclosure B as to legal questions, jurisdiction of NRC, haste in preparation of NRC supporting documentation. Separate comments of WPPSS enclosed (11 above). A petition for rulemaking on the subject was filed 3/12/80.

13. Lowenstein, Newman, Reis, Axelrad & Toll, Law Office. Washington, D.C.
- a. (Letter 63, 2/19/80; D 2/19/80). Representing:
Boston Edison Company
Florida Power & Light Company
- Comments deal with 44 FR 3913 although docketed for 44 FR 75167.
- b. (Letter 72, 2/19/80; D 2/19/80). Representing:
Florida Power & Light Company
Houston Lighting & Power Company
Iowa Electric Light & Power Company
Iowa Power & Light Company
Northern Indiana Public Service Company
Portland General Electric Company
Puget Sound Power & Light Company
Public Service Company of Colorado
Public Service Company of New Hampshire
Vermont Yankee Nuclear Power Corporation
- Comments are similar to those of the issues identified in Enclosure B and those in A.2 and A.6 above.
14. American Electric Power Service Corp., New York, N.Y. (Letter 85 2/20/80; D 2/21/80). (See also G.2. above).
- Endorses comments of the Edison Electrical Institute and the Atomic Industrial Forum (9 above). The legality of the proposed rule is subject to question, but this is not the forum for it. Comments are similar to those in the issues identified in Enclosure B.
- With regard to Implementing Procedures of Section V, it is not clear why they are needed by NRC's regional and Washington offices no less, ten copies. Since the procedures are site-specific and contain proprietary information which may be sensitive to security, they should not be subject to public disclosure, if required to be submitted at all.
15. Duke Power Co., Charlotte, N.C. (Letter 83, 98, 2/19/80; D 2/21/80).
- Comments are similar to many of those in the issues identified in Enclosure B. (See also 12 above).
16. Northeast Utilities, Hartford, Conn. (Letter 89, 2/21/80; D 2/22/80).
- Comments are similar to those in many respects in the issues identified in Enclosure B.

17. LeBoeuf, Lamb, Leiby & MacRae, Attorneys, Washington, D.C. (Letter 86, 2/19/80; D 2/21/80). On behalf of:

The Detroit Edison Company
Niagara Mohawk Power Corporation
Omaha Public Power District
Public Service Company of Indiana
Rochester Gas & Electric Corporation

Endorses and adopts as their own the Edison Electric Institute comments.

18. Shaw, Pittman, Potts & Trowbridge, Washington, D.C. (Letter 99, 2/19/80; D 2/22/80). On behalf of:

Alabama Power Company
Carolina Power & Light Company
Georgia Power Company
Jersey Central Power & Light Company
Metropolitan Edison Company
The Cleveland Electric Illuminating Company
Wisconsin Electric Power Company

Comments are similar to those of the issues identified in Enclosure B. Comments are given in considerable detail, including suggestions for rewording and other substantive changes. Comments are also similar to those of A.1. and A.2. above are included. NRC and FEMA should jointly publish a detailed time schedule setting forth requirements and milestones for review of each State and local emergency plan.

19. Edison Electric Institute, Washington, D.C. (Letter 32, 1/24/80; D 2/7/80. Letter 73, 2/19/80 and Letter 109, 2/22/80; D 2/27/80).

Many of the comments and suggested revisions are included in the issues identified in Enclosure B. "We believe the Commission's proposed rule is fundamentally flawed and that major modifications must be made in this proposal before the rule is finally promulgated."

EI believes that many of the stringent provisions and sanctions contained in the proposed rule have been largely obviated by the demonstrated progress and cooperation with state and local governments displayed by the utilities in the last few months. Rather than requiring concurrence as a condition of licensing, which tends to stress a negative and mechanical approach to the upgrading process, NRC should stress a positive role for the Federal Emergency Management Agency (FEMA) in support of state and local governments in their efforts to upgrade preparedness capability. The objective of this program should be enhanced emergency preparedness, not the shutdown of reactors. To this extent, the proposed rule is misdirected and could accomplish the wrong objective.

The problems associated with this rule are compounded by the unilateral attempt of the Commission's Regulatory Staff to incorporate into regulatory requirements many new, detailed elements of emergency planning. Detailed planning requirements are already being imposed

on utilities by the Staff without the benefit of public comment and Commission review. For example, NRC and FEMA have published revised acceptance criteria for preparation and evaluation of emergency response plans.* These are substantive requirements which are being imposed now as if they were contained in regulations, subject to subsequent review and comment. The comment period is largely ceremonial for those operators which are required presently to comply with its provisions. Because these detailed requirements directly affect the implementation of this proposed rule change. NRC should fully review and examine, with public participation, the ramifications of these changes. They are an important part of this rulemaking proceeding and therefore should be carefully addressed explicitly.

RECOMMENDATION: Recognizing this is an interim rule, the NRC should conduct a comprehensive rulemaking in the near future, to consider fully the detailed emergency planning requirements currently being imposed at the Staff level. The NRC should instruct its Staff not to impose on licensees sanctions for noncompliance with detailed requirements not contained in the interim rule, pending completion of a more definitive rulemaking.

The rulemaking on emergency planning should be one element of a broader rulemaking which explicitly recognizes the interrelationships among design, siting and emergency planning.

H. COMMENTS OF OTHER CORPORATE ENTITIES

1. Gauthier Industries, Inc., Rochester, Minn. (Letter 5, 1/11/80; D 1/18/80) (Letter 181, 4/8/80; D 4/14/80).

Advocates use of local Emergency Broadcasting System facilities for alerts.

2. Time Frequency Technology, Inc., Santa Clara, Calif. (Letter 50, 12/17/80; D 2/13/80).

Offers to supply equipment for Emergency Broadcasting System.

3. Glasser Associates, P. A., Consultants in Nuclear
Olney, Md. (Letter 57, 2/7/80; D 2/13/80).

Comments include some of those in the issues identified in Enclosure B. Emergency plans should include provisions for possible in accidents along with radiological emergency planning. Objectives to inflexible EPZ's.

*"Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," NUREG-0654, FEMA-REP-1.

4. Ebasco Services, Inc., New York, N.Y. (Letter 78, 2/11/80; D 2/20/80).

Comments are similar to several of those in the issues identified in Enclosure B, especially with regard to definitions, FEMA, and legislative authority.

5. UNC Naval Products, Uncasville, Conn. (Letter 11, 1/21/80; D 1/25/80).

Emergency planning rules for 10 CFR Part 70 facilities should be separate from those of 10 CFR Part 50.

6. General Electric Co., Wilmington Manufacturing Department, Wilmington, N.C. (Letter 111, 151, 2/22/80; D 2/28/80 and 3/17/80).

Suggests wording changes making the rule more appropriate with regard to 10 CFR Part 70 licenses.

7. Westinghouse Electric Corp., Nuclear Technology Division, Pittsburgh Pa. (Letter 90, 2/19/80; D 2/22/80).

Some comments are similar to those of the issues identified in Enclosure B.

The proposed rule addresses only one aspect of a number of closely related topics identified by the NRC for potential rulemaking in NUREG-0660. Such topics include the proposed siting policy rulemaking and the proposed core melt mitigation rulemaking. Other aspects of emergency planning have been addressed in separate NRC reports issued over the past several years and only last week the NRC announced another report, NUREG-0654 dealing with acceptance criteria for emergency planning. Such a piecemeal approach to development of such important regulatory requirements is unacceptable because of common underlying technical issues and in effect deprives interested parties of meaningful participation in the regulatory process.

If the NRC nevertheless finds it necessary to issue changes in its regulatory requirements in this area, such changes should be issued as interim changes pending resolution of the rulemaking proceedings on all the related topics. Furthermore, the NRC should formulate an integrated plan for dealing with these topics so that common issues can be adequately addressed in one proceeding.

8. EXXON Nuclear Co., Bellevue, Wash. (Letter 95, 2/14/80; D 2/22/80).

Supports and agrees with comments of Edison Electric Institute. An exception should be provided in the introduction of Appendix E to provide that fuel cycle facilities be treated on a case-by-case basis.

9. American Red Cross, Washington, D.C. (Letter 3, 1/15/80; D 1/18/80).

"Since a nuclear accident involves potential owner liability, we believe that financial accountability must be part of the required emergency plans in which NRC/FEMA are to concur."

10. Legal Aid Society of Clermont County, Batavia. (Letter 96, 2/13/80; D 2/22/80).

Comments are similar to those in the issues identified in Enclosure B. Very serious financial considerations are involved. Utilities should cover the costs and how that they have the ability to do so.

Since these issues of emergency planning cannot be understated, the NRC should expand its hearing procedures to facilitate meaningful intervention by responsible parties raising issues concerning emergency planning. Specifically the NRC should provide funds for responsible interveners for purposes of participation in the NRC hearing process to cover costs such as expert witness fees, attorneys fees, etc. In the Zimmer hearings, I have found that the financial burdens on interveners, even local municipalities, are great and more often than not preclude public participation in the NRC hearing process.

11. Environmental Systems Corp., Knoxville, Tenn. (Letter 184, 4/16/80; D 4/24/80).

Need clear definitions and guidelines. Guides are confusing.

12. NUSAC, Inc., McLean, Va. (Letter 189, 2/18/80; D 5/7/80).

The timetable is unrealistic. Funding is a problem for State and local jurisdictions and needs Federal support.

"The utility, then, becomes a political pawn, its license lying in the hands of persons not directly subject to the NRC and its licensing jurisdiction." "The proposed rule goes further in that it abetts (sic) the interests of non-nuclear groups or interveners." Supports Alternative A.

I. LETTERS RECEIVED WITH NO COMMENTS ON RULE

1. Author unknown, Village of Glencoe, Ill. (Letter 121, unclear, no date).
2. Hon. Tod Bedrosian, Assemblyman, Reno, Nev. (Letter 124, 2/9/80; D 2/28/80).
3. Author unknown (Letter 33; D 2/7/80).
4. Alan Curtis, Palatine, Ill. (Letter 49, 1/22/80; D 2/13/80). (ZION).
5. Susan Turner, Roslyn Heights, N.Y. (Letter 23, 1/15/80; D 2/7/80). (INDIAN POINT).
6. Mrs. John C. Besson, New Cannon, Conn. (Letter 29, 1/18/80; D 2/7/80). (INDIAN POINT).
7. Barbara S. Padjack (address unknown) (Letter 28, no date). (INDIAN POINT).

8. Mrs. Kathy Toscano, Croton-on-Hudson, N.Y. (Letter 41, 1/25/80; D 2/13/80). (INDIAN POINT).
9. Glenn Bishop, Des Persa, Mo. (Letter 119, 2/18/80, D 2/28/80).
10. West Branch Conservations Association, New City, N.Y. (Letter 39, 58, 103, 2/18/80; D 2/27/80). (INDIAN POINT).
11. Lorraine Koblick, New York, N.Y. (Letter 40, 1/13/80; D 2/13/80). (INDIAN POINT).
12. Elizabeth D. Liners, Pearl River, N.Y. (Letter 42, 1/27/80; D 2/13/80). (INDIAN POINT).
13. Mrs. Lucille K----- (Not legible), Bayside, N.Y. (Letter 43, 1/20/80; D 2/13/80).
14. New Jersey Department of Law and Public Safety, Division of State Police. (Letter 44, 115, 1/16/80; D 2/13/80, 2/18/80). (Letter with comments, see Synopsis B.13).
15. Baltimore Gas & Electric Co. (Letter 82, 2/15/80; D 2/21/80). (Relates to 45 FR 3913).
16. Coalitions for Public Participation. (Letter 56, 1/9/80, D 2/13/80).
17. New York Division of Military and Naval Affairs. (Letter 133, 146, 2/13/80; D 2/28/80, 3/17/80).
18. County of Suffolk, N.Y. (Letter 131, 2/8/80; D 2/28/80).
19. Roger M. Leed, Law Office, Seattle, Wash. (Letter 142, 2/22/80; D 3/17/80).
20. Marion County, Fla. (Letter 12, 1/15/80; D 1/25/80).
21. Julius D. Geier, Decatur, Ill. (Letter 169, 3/18/80; D 4/3/80).
22. Bolt Beranek and Newman, Inc., Cambridge, Mass. (Letter 171, 3/18/80; D 4/3/80).
23. California Department of Health Services, Health and Welfare Agency, Sacramento. (Letter 174, 3/31/80; D 4/3/80).
24. Yankee Atomic Electric Co., Westborough, Mass. (Letter 177; 4/3/80; D 4/7/80).
25. Duke Power Co., Charlotte, N.C. (Letter 183, 4/9/80; D 4/24/80).
26. Edison Electric Institute, Washington, D.C. (Letter 187, 4/18/80; D 4/24/80). (See Letter 73).

27. Connecticut, Office of Policy and Management, Hartford (Letter 193, 2/28/80; D 5/7/80).
28. Scott Hanchin, La Grange, Ky. (Letter 197, 4/14/80; D 5/7/80).

ENCLOSURE F

SEE SECY-80-261

Enclosure "F"

ENCLOSURE G