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PROPOSED RULE (52 FR 6980)  
EMERGENCY PLANNING

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STATE OF ILLINOIS  
WASHINGTON OFFICE  
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JAMES R. THOMPSON  
GOVERNOR

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May 29, 1987

Mr. Lando W. Zech, Jr.  
Chairman  
U.S. Nuclear Regulatory Commission  
1717 H Street, N.W. Room 1114  
Washington, D.C. 20555

Re: 10 CFR 50, Licensing of Nuclear Power Plants Where State and/or Local Governments Decline to Cooperate if Offsite Emergency Planning, Notice of Proposed Rule (52 Fed. Reg. 6980; March 6, 1987)

Dear Chairman Zech:

Enclosed please find a copy of the comments of the Illinois Department of Nuclear Safety regarding the above-referenced proposed rule. I endorse the Department's comments and urge the Commission not to adopt the proposed rule.

The participation of State and local government is essential in emergency response planning for nuclear power plants. If State and local governments in the nuclear plant's host state are not included in the planning and if the plans are not exercised, an effective response in the event of a real accident is much less likely. In the State of Illinois, agencies of State and local government have worked together cooperatively with plant owners to develop and exercise emergency plans. The Nuclear Regulatory Commission should continue to promote such cooperation. The proposed rule change, however, would only cause further turmoil and adversity.

I do not believe an adequate case has been made that the proposed rule is in the public interest. The Commission has not found that the current rule is unsound or that the proposed rule would enhance public safety. Barely a year after the disaster at Chernobyl, we should be redoubling our efforts to assure adequate protection of the public. Instead, I fear the Commission is moving backwards.

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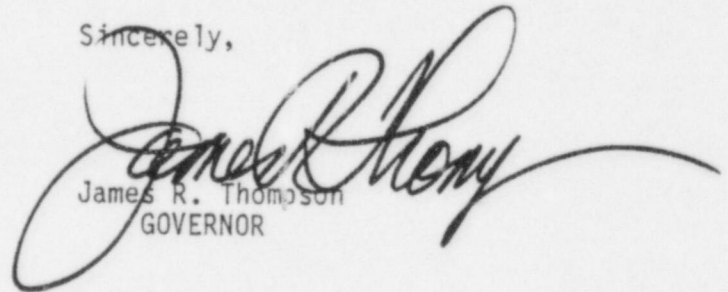
add: P. Crane, H-1035  
J. Lane, 266 PHIL

acknowledged by card.....

Chairman Zech  
May 28, 1987  
Page Two

I appreciate that the licensing of the Seabrook and Shoreham nuclear power plants has raised many difficult and frustrating problems, but the answer is not sacrificing the protection of the public provided by integrated and exercised emergency response plans.

Sincerely,



James R. Thompson  
GOVERNOR



STATE OF ILLINOIS  
DEPARTMENT OF NUCLEAR SAFETY  
1035 OUTER PARK DRIVE  
SPRINGFIELD 62704  
(217) 785-9900

TERRY R. LASH  
DIRECTOR

May 29, 1987

The Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attn: Docketing and Service Branch

Re: 10 CFR 50, Licensing of Nuclear Power Plants Where State and/or Local  
Governments Decline to Cooperate in Offsite Emergency Planning, Notice of  
Proposed Rule (52 Fed. Reg. 6980; March 6, 1987)

The Illinois Department of Nuclear Safety hereby submits its comments on  
the above-referenced proposed rule concerning the role of State and local  
governments in offsite emergency planning and response for nuclear power plant  
accidents. The Department requests that the enclosed letter from Governor  
James R. Thompson to Chairman Zech be included with its comments.

Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Terry R. Lash", is written over the typed name.

Terry R. Lash  
Director

TRL:mn

Enclosure



STATE OF ILLINOIS  
DEPARTMENT OF NUCLEAR SAFETY

1035 OUTER PARK DRIVE  
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TERRY R. LASH  
DIRECTOR

COMMENTS OF THE  
ILLINOIS DEPARTMENT OF NUCLEAR SAFETY

ON

LICENSING OF NUCLEAR POWER PLANTS WHERE STATE AND/OR LOCAL  
GOVERNMENTS DECLINE TO COOPERATE IN OFFSITE EMERGENCY PLANNING

10 CFR 50  
NOTICE OF PROPOSED RULE  
(52 FED. REG. 6980; MARCH 6, 1987)

May 29, 1987

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## I. BACKGROUND

### A. Radiological Emergency Response Planning In Illinois

In the aftermath of the Three Mile Island (TMI) accident, the consequences of an ill-prepared emergency response by local, State, and Federal officials became embarrassingly evident to both the public and the nuclear industry. Throughout the United States, citizens and public officials watched as Governor Thornburgh of Pennsylvania grappled with conflicting reports of the status of conditions at the reactor site. The fiery issues of necessity and risk associated with nuclear power plants were rekindled. A turning point was on the horizon which would in effect determine the future of nuclear power in the United States. People across America were wondering, "Can it happen here?"

Twelve nuclear power reactors are currently licensed for full power operation in the State of Illinois; another reactor is scheduled to come on-line within the next year. Yet at the time of the TMI accident, the State of Illinois was not much better prepared than the Commonwealth of Pennsylvania to respond effectively to a serious nuclear power plant accident. A 68-page manual was believed to be an adequate radiological emergency response plan.

Following the TMI accident, officials in Illinois took swift actions to better protect the public. On June 19, 1979, the Illinois General Assembly passed the Illinois Nuclear Safety Preparedness Act (INSPA) which became effective September 14, 1979. The Illinois Department of Public Health was given the responsibility of implementing the Nuclear Safety Preparedness Program established by INSPA. INSPA imposed fees on the owners of nuclear power plants to fund the costs of establishing emergency plans to deal with the possibility of nuclear accidents. INSPA passed on a unanimous vote in the Senate and passed with only one dissenting vote in the House. Illinois' utilities were receptive to the new law which established a cooperative relationship between the governmental bodies and utilities to assure an adequate response to nuclear power plant accidents. This relationship has been preserved to date through efforts of both industry and government.

On April 1, 1980, Governor James R. Thompson created the Illinois Department of Nuclear Safety (IDNS) by Executive Order. The Executive Order transferred to IDNS statutory responsibilities of several State agencies, including the responsibility of the Department of Public Health under INSPA. The General Assembly subsequently passed conforming legislation approving the creation of IDNS.

INSPA provides that IDNS is to monitor radioactive emissions from nuclear facilities, develop site-specific emergency response plans, develop accident scenarios and exercise drills, conduct radiological training of State and local officials, and implement the boiler and pressure vessel safety program. INSPA also requires the utilities to provide IDNS with system status signals at IDNS's discretion.

In coordination with the Illinois Emergency Services and Disaster Agency (IESDA), IDNS developed the Illinois Plan for Radiological Accidents (IPRA) to organize the various groups that would respond in the event of a radiological accident. IPRA provides the groundwork for governmental response in Illinois: the Governor has the ultimate responsibility of making critical decisions concerning public safety, IDNS offers the technical support to formulate informed and accurate decisions, and IESDA offers the operational support to carry out those decisions.

IPRA is a multi-faceted plan that allows flexibility to respond to various radiological emergencies. The foundations of IPRA are: a general plan to cover any radiological mishap, site-specific plans to involve local governments near a facility, a concept of operations to carry out the plan, and effective allocation of resources and personnel. The components of this foundation include notification, accident assessment, protective actions, parallel actions, public information, and press releases. IPRA establishes a cooperative effort between IESDA and IDNS and also provides for coordination of local governments, other State agencies, and Federal agencies expected to respond in the event of an accident. IPRA includes specific, detailed

descriptions of each participant's role. In contrast to the 68-page manual that existed in 1979, IPRA is comprised of nine volumes which are updated on a regular basis.

The implementation of INSPA has been an ongoing task of IDNS. In 1979 the LaSalle Nuclear Power Station was chosen to be the pilot plant for installation of remote monitoring systems. These remote monitoring systems were conceived to assure the availability of up-to-date information about any radiological releases from the plant. When completed, each remote monitoring system will consist of a gaseous effluent monitor at the plant, 16 pressurized ion chambers situated in a ring around the plant, a nuclear reactor data link and a liquid effluent monitor. Pressurized ion gas chambers are now located around all nuclear power stations in Illinois. Gaseous effluent monitors are to be operable at each facility by 1992; one is currently operating at the LaSalle Station and another one will soon be operational at the Zion Station. Also, direct links between plant computers and IDNS's computers have been established to receive current operating parameters from all plants. Software has been developed to interpret these incoming signals and aid the engineers and health physicists in their data analysis. All of this information from the remote monitoring systems is fed into the Radiological Emergency Assessment Center (REAC) at IDNS's headquarters in Springfield. REAC provides the technical support and communications network needed to implement IPRA. The assessments of data performed in REAC are confirmed by the IDNS's Radiological Assessment Field Team (RAFT); this group utilizes two mobile units (a command center and a radiochemistry laboratory) and over 40 specially equipped support vehicles. RAFT performs sampling and monitoring in the field, has the provisions to equip a decontamination center, and ensures that a redundant communications network with REAC is operable.

The viability of IPRA is enhanced by the functions IDNS performs with local governments and the offices of other State agencies. IDNS provides radiological training for over 10,000 emergency workers and volunteers. The trainees include fire fighters, police officers, hospital staff members, civil defense personnel, and Red Cross workers. IDNS assistance has been well received and we have found that once the trainees become informed, they are cooperative in meeting the responsibilities delineated in IPRA. Personal dosimeters and potassium iodide tablets are pre-positioned with each State and

local emergency response organization to ensure immediate availability to emergency workers if required. Controlled shelf life items are replenished on a regular recurring basis.

The implementation of IPRA is practiced by IDNS and IESDA in full participation drills. These drills take place a minimum of once and often as frequently as four times a year. Since 1980, IDNS has participated in 25 such exercises. County and municipal involvement in these exercises is usually quite extensive. After the exercises the Federal Emergency Management Agency (FEMA) helps the Illinois participants to identify weaknesses and strengths by writing an exercise evaluation; this is augmented by an internal review of the effectiveness of IPRA. A consistent highlight of the FEMA evaluations for Illinois exercises is that the local municipal governments are well-trained, informed, and prepared. For instance, in the November 26, 1984, LaSalle Nuclear Power Station Exercise Report, FEMA noted that the community of Grand Ridge was "serious regarding their participation" in the exercise, and the all-volunteer community was "well trained and eager to demonstrate their knowledge and capability." IDNS has found, and the FEMA Exercise Reports have documented, that local governments and county officials are cooperative participants in the exercises. FEMA has also documented the effectiveness of the communication network that links REAC, the utility's Emergency Operations Facility (EOF), the State's Emergency Operation Center (EOC), the county EOCs, the Joint Press Information Center (JPIC), and RAFT. These redundant communication links proved their worth in past drills and they would help to ensure the safety of emergency workers in the event of a real accident.

The cooperative relationship of State and local governments in Illinois is attributable in large part to the existence of a well-defined plan. Our experience has led us to believe, however, that the plan would not be effective in a real accident if it were not practiced by all parties involved. Various deficiencies in the implementation of IPRA have surfaced during the drills. Problems in the startup of the Emergency Broadcast System were identified in the 1984 LaSalle drill. Other deficiencies that have been identified in the implementation of IPRA include: a lack of sufficient information distributed to inhabitants of the Emergency Planning Zones (EPZ) prior to any crisis, the lack of documented procedures for medical personnel, and limited staffing at some municipal response centers. Deficiencies have

been remedied by working closely with utility representatives, ensuring well-defined assignments of responsibility for coordination of the inter-relationship between the government organizations and the utility, establishing written agreements between all organizations and suborganizations, documenting procedures and conducting training for medical staffs, and aiding municipalities in supplementing their staffs.

Should a radiological accident occur in Illinois, IDNS and IESDA would be the first agencies to respond. Within IPRA, four classifications exist for nuclear power plants, which depict the state of emergency and delineate appropriate notifications and actions. The four classifications are "unusual event," "alert," "site area emergency," and "general emergency." Key IDNS personnel are on-call 24 hours a day and are able to assemble within one hour of notification of an alert or emergency. The declaration of a general emergency requires a full activation of IPRA including implementing protective actions, notifying the public, and possibly evacuation. Although a general emergency has never been declared for a radiological accident in Illinois, the capability to respond rapidly and effectively has been demonstrated in our drills. This magnitude of response mandates that the State and local government emergency response agencies be highly organized in order to prevent unnecessary confusion and injury to the public in an actual accident.

Since its establishment IDNS has responded to over 190 radiological incidents of all types. These range from the discovery of misplaced radioactive sources, transportation accidents, and fires, to responding to unusual events and alerts at nuclear power plants. For example, on June 6, 1986, the LaSalle Nuclear Power Station experienced a malfunction in the low water level automatic reactor trip. Since the control rods did not respond to the automated signals, a manual shutdown was required. During the crisis an alert was announced. REAC was activated and IESDA operations were on stand-by. Throughout the incident IDNS's Reactor Analyst and his team monitored the incoming data on the remote monitoring system. Several times this information was relayed to the NRC's Emergency Operations Center in Bethesda, Maryland. Monitoring of the plant status and maintenance of communication lines was maintained throughout the duration of the manual shutdown of LaSalle. In another instance, in September of 1986, floods around the Zion Nuclear Power Station blocked some of the evacuation routes in the Emergency Planning

Zone. There was consideration of whether the plant should be shut down until the water receded, but IDNS was able to implement a less drastic alternative. The plant remained on-line and REAC was manned 24 hours a day until the water receded. The RAFT command vehicle and selected IDNS personnel were sent to the Zion EPZ to patrol the evacuation routes continuously to ensure that they were sufficient in case of an accident. This effort ensured the safety of the public and also permitted the continued operation of the Zion facility.

Since the creation of IDNS in 1979, the agency has become an integral participant in radiological emergency response planning in Illinois. Confidence has been instilled in the emergency preparedness of our citizens and governmental organizations. A cooperative network exists among local, State, and Federal governments and the Illinois utilities. Our success is directly attributable to the lessons learned from the TMI accident. These lessons must also be heeded by the NRC as it considers changing its emergency response rule.

#### B. Nuclear Power Plant Emergency Planning Requirements Before TMI

In December of 1975, the Federal Preparedness Agency, acting under authority delegated by the President, published a notice in the Federal Register which stated the responsibility of Federal agencies for radiological emergency response planning covering fixed nuclear facilities and transportation incidents involving radioactive materials.<sup>1</sup> The notice recognized that State and local governments have primary responsibility for planning for and responding to the effects of incidents that extend beyond the boundaries of the facilities and that the facility operators have primary responsibility to plan for and respond to on-site incidents. As noted in a

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<sup>1</sup>U. S. General Services Administration, Federal Preparedness Agency, "Radiological Incident Emergency Response Planning: Fixed Facilities and Transportation", Federal Register 40, no. 248, December 24, 1975, 59494-5.

report prepared for the NRC by the National Academy of Public Administration, this notice was important because 1) it was the only charter having the force of Presidential authority and law behind it that specified Federal, State and local government, and private responsibilities in planning for and responding to radiological incidents at NRC-licensed facilities, and 2) it attempted "to think through and delineate the different responsibilities of different organizations and the way in which they should be related to each other to bring about a unified and effective planning and response system."<sup>2</sup> The notice designated NRC as the lead agency in radiological incident emergency response planning, training, and other assistance activities. The NRC was given five responsibilities including developing and promulgating guidance to State and local governments for preparation of radiological emergency response plans, reviewing and concurring in such plans, and correlating State, local, licensee and other national plans.

In 1975, the NRC issued "Regulatory Guide 1.101: Emergency Planning for Nuclear Power Plants." The Guide was later revised in March, 1977. Regulatory Guide 1.101 was the principal guidance document on emergency planning for applicants for licenses for nuclear power plants.<sup>3</sup> The Guide provided the following:

An important element of emergency planning for nuclear power plants is the recognition of a need for active participation in the planning process by those who have emergency response roles. Federal, State, and local agencies, as well as the licensee, have responsible roles to play in both the planning and the implementation of emergency preparedness procedures. . . . To a large extent [the Federal agencies'] responsibilities are directed toward a coordination of Federal efforts to provide assistance to State and local governments in their planning. This policy is based

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<sup>2</sup>U. S. Nuclear Regulatory Commission, Major Alternatives For Government Policies, Organizational Structures, And Actions In Civilian Nuclear Reactor Emergency Management In The United States: Report To M. Rogovin For The NRC Three Mile Island Special Inquiry, NUREG/CR-1225 (January, 1980), p. 67.

<sup>3</sup>Ibid., p. 73.

on the recognition that State and local governments have the necessary authority to implement protective measures for the public in their jurisdictions.<sup>4</sup>

The Guide also recognized the importance of integrating the licensee's planning activities with those of State and local governments:

Planning and implementation of measures to cope with plant-related emergencies outside the site boundary with particular emphasis on the low population zone should be a coordinated effort involving the licensee and local, State, and Federal agencies having emergency responsibilities. The emergency plan should describe the coordination of the arrangements and agreements between the licensee and these agencies.<sup>5</sup>

Compliance with the provisions of the Guide was not mandatory either to obtain an operating license for a new facility or to continue operations at previously licensed power plants. As of May 14, 1979, only four of the 71 operating nuclear power plants had been certified by NRC as being in compliance with Regulatory Guide 1.101.<sup>6</sup> Neither TMI nor any of the nuclear power plants in Illinois were among the four.

On March 30, 1979, the General Accounting Office (GAO) released a report entitled, "Areas Around Nuclear Facilities Should Be Better Prepared For Radiological Emergencies." The report was the result of a study of facilities of the Departments of Defense and Energy as well as NRC-licensed facilities. The report found that the operators of nuclear power plants appeared able to handle on-site response but could not assure protection of the public health and safety by merely assuming that local authorities could respond to a

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<sup>4</sup>Ibid., Appendix 1, p. 1.101-1, 1.101-2.

<sup>5</sup>Ibid., Appendix 1, p. 1.101-2.

<sup>6</sup>Ibid., p. 75.

nuclear emergency affecting off-site areas.<sup>7</sup> GAO found that of the 41 States with some kind of peacetime nuclear emergency plan, nine had been tested in full scale drills and 16 had been tested in partial drills. GAO concluded that untested plans would probably be ineffective in an emergency.<sup>8</sup> GAO also found that communities in the vicinity of nuclear facilities were often not prepared to respond effectively in an emergency.<sup>9</sup> GAO concluded that by not assuring that local authorities could effectively implement protective measures, Federal authorities had failed to meet their responsibility to protect the public from serious accidental releases at their facilities.<sup>10</sup> GAO stated that all aspects of emergency preparedness should be resolved before nuclear power plants begin operation<sup>11</sup> and recommended that NRC should allow nuclear power plants to begin operation only when State and local emergency response plans contain all the essential planning elements.<sup>12</sup> GAO recommended also that NRC should require license applicants to make arrangements with State and local agencies assuring their full participation in annual drills over the life of the facility.<sup>13</sup> GAO sent NRC its recommendations prior to the issuance of the report. NRC disagreed with the recommendation that nuclear power plant licensing should be made contingent on emergency response plans containing all of the NRC's essential planning elements. NRC stated that State and local plans were not essential in determining whether nuclear power plants could be operated without undue risks to public health and safety.<sup>14</sup>

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<sup>7</sup>U.S. General Accounting Office, Report To The Congress Of The United States: Areas Around Nuclear Facilities Should Be Better Prepared For Radiological Emergencies, by the Comptroller General, Report no. EMD-78-110, (Washington, D.C.: Distribution Section, March 30, 1979), p. 7.

<sup>8</sup>Ibid., p. 11.

<sup>9</sup>Ibid., p. 20.

<sup>10</sup>Ibid., p. 11.

<sup>11</sup>Ibid., p. 17.

<sup>12</sup>Ibid., p. v.

<sup>13</sup>Ibid.

<sup>14</sup>Ibid., p. vii.

On March 30, 1979, local officials were laboring to prepare evacuation plans for the area around Three Mile Island.<sup>15</sup> The United States' worst accident in the history of commercial nuclear power generation had occurred two days before.<sup>16</sup>

### C. Investigations of The Three Mile Island Accident

The Three Mile Island accident has been the subject of many detailed studies and reports.<sup>17</sup> The accident was investigated by a 12-member Presidential Commission, chaired by John J. Kemeny, then President of Dartmouth College, and an "NRC Inquiry Group" under the leadership of Mitchell Rogovin.

Besides a technical assessment of the events and their causes, the Kemeny Commission's charge included:

an assessment of the emergency preparedness and response of the Nuclear Regulatory Commission and the federal, state and local authorities,

an evaluation of the Nuclear Regulatory Commission's licensing, inspection, operation, and enforcement procedures as applied to this facility, . . . and

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<sup>15</sup>Report Of The President's Commission On The Accident At Three Mile Island, "The Need for Change: The Legacy Of TMI", by John G. Kemeny, Chairman, The President's Commission On The Accident at TMI (Washington, D.C.: Government Printing Office, 1979), p. 143.

<sup>16</sup>Ibid., p. 1.

<sup>17</sup>Kemeny, ibid; Three Mile Island, A Report To The Commissioners And To The Public, by Mitchell Rogovin, Director, U.S. NRC Inquiry Group; Report Of The Governor's Commission, by William H. Scranton III, Lt. Gov., Chairman, Pennsylvania Governor's Commission On Three Mile Island, (February 26, 1980); and Ronald W. Perry, Topical Report, Comprehensive Emergency Management: Evacuating Threatened Populations, distributed by National Science Foundation, (Seattle, Washington: Battelle Human Affairs Research Centers, 1983).

appropriate recommendations based upon the Commission's findings.<sup>18</sup>

In its finding regarding emergency preparedness in the area around TMI, the Kemeny Commission stated:

We found an almost total lack of detailed plans in the local communities around Three Mile Island. It is one of the many ironies of this event that the most relevant planning by local authorities took place during the accident.<sup>19</sup>

The Kemeny Commission's findings concerning the NRC's role in emergency planning and the integration of planning efforts of Federal, State and local government and utility personnel were as follows:

Emergency planning had a low priority in the NRC and AEC before it. There is evidence that the reasons for this included their confidence in designed reactor safeguards and their desire to avoid raising public concern about the safety of nuclear power.

The NRC has not made the existence of a state emergency or evacuation plan a condition for plant licensing. . . . The NRC concurrence program has been called ineffective by federal and state emergency preparedness officials. . . .

At all levels of government, planning for the off-site consequences of radiological emergencies at nuclear power plants has been characterized by a lack of coordination and urgency. . . .

Interaction among NRC, Met Ed, and state and local emergency organizations in the development, review, and drill of emergency plans was insufficient to ensure an adequate level of preparedness for a serious radiological incident at TMI.<sup>20</sup>

With regard to the response to the accident, the Kemeny Commission stated:

The response to the emergency was dominated by an atmosphere of almost total confusion. There was a lack of communication at all levels. Many key recommendations were made by individuals who were not in possession of accurate information, and those who managed the

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<sup>18</sup>Kemeny, p. 1.

<sup>19</sup>Ibid., p. 15-16.

<sup>20</sup>Ibid., p. 38-39.

accident were slow to realize the significance and implications of the events that had taken place.<sup>21</sup>

In its findings regarding the NRC's procedures, the Kemeny Commission linked an inappropriate zeal to promote nuclear power with the Commission's relative disregard of safety:

A purpose of the Energy Reorganization Act of 1974 was to divorce the newly created NRC from promotion of nuclear power. According to one of the present NRC commissioners, 'I still think it [the NRC] is fundamentally geared to trying to nurture a growing industry.' We find that the NRC is so preoccupied with the licensing of plants that it has not given primary consideration to overall safety issues.<sup>22</sup>

The Kemeny Commission's recommendations<sup>23</sup> logically followed its criticism of the haphazard and non-mandatory emergency response planning in place at the time of the accident. The Kemeny Commission stated, "Emergency plans must detail clearly and consistently the actions public officials and utilities should take in the event of off-site radiation doses resulting from the release of radioactivity."<sup>23</sup> To that end, the Kemeny Commission recommended that the NRC not grant an operating license for a new nuclear power plant until the State where it is to be sited has an emergency response plan reviewed and approved by the Federal Emergency Management Agency (FEMA).<sup>24</sup> It recommended that States with operating plants must be required to upgrade their plans expeditiously to meet FEMA requirements.<sup>25</sup> The Kemeny Commission's recommendations provided also that States must effectively coordinate their planning with utilities and local officials.<sup>26</sup>

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<sup>21</sup>Ibid., p. 17.

<sup>22</sup>Ibid., p. 51.

<sup>23</sup>Ibid., p. 76.

<sup>24</sup>Ibid.

<sup>25</sup>Ibid.

<sup>26</sup>Ibid.

The recommendations of the NRC Inquiry Group concerning emergency planning and response were remarkably similar to those of the Kemeny Commission. It recommended conditioning operating licenses on emergency response plans being approved and workable. Operating plants should be shut down unless additional mitigating safety systems were installed or the President of the United States determined that continued operation of the plant was in the national interest.<sup>27</sup> The Inquiry Group's report stated that evacuation needed to be considered as a realistic precautionary measure.<sup>28</sup> It recognized that the principal planning responsibility for protective action lay with the States and that the ability to carry out an evacuation plan depended more on county and local plans.<sup>29</sup>

#### D. NRC's Adoption of the Emergency Planning Rule

On July 17, 1979, the NRC published an advance notice of proposed rulemaking.<sup>30</sup> The advance notice stated that the NRC was "considering the adoption of additional regulations which will establish as conditions of power reactor operation increased emergency readiness for public protection in the vicinity of nuclear power reactors on the part of both the licensee and local and State authorities."<sup>31</sup> The NRC solicited comments on 14 questions posed in the advance notice. The NRC received over 100 public comment letters which contained approximately 700 comments on the specific issues raised in the

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<sup>27</sup>Rogovin, p. 90.

<sup>28</sup>Ibid., p. 129.

<sup>29</sup>Ibid., p. 131.

<sup>30</sup>U.S. Nuclear Regulatory Commission, "Adequacy And Acceptance Of Emergency Planning Around Nuclear Facilities", Federal Register 44, no. 138, July 17, 1979, 41483-4.

<sup>31</sup>Ibid., p. 41483.

advance notice.<sup>32</sup> Comments were submitted by a wide range of persons including individuals, State agencies, utilities, public interest groups and local governments.

A total of 58 commenters responded to NRC's questions as to whether reduction of public radiation exposure, prevention of public radiation exposure, or the ability to evacuate the public should be the basic objectives of emergency planning. Of these, 30 commenters identified one of these objectives as the primary objective while 28 identified all three basic objectives as being needed in emergency planning.<sup>33</sup> The NRC staff's response to the comments stated:

The proposed rule changes would strengthen these [existing emergency planning] requirements in order to provide more assurance that effective protective measures (including evacuation) could be taken to protect the health and safety of persons within and outside the site boundary in the event of a radiological emergency. The proposed rule specifies more stringent requirements for ensuring effective coordination between the licensee and the local, state, and federal groups that would have the responsibility for taking emergency response actions.<sup>34</sup>

A total of 49 commenters responded to the question of what should be included in an effective plan. NRC staff's response stated that the proposed rule would elaborate existing requirements,

with special attention being given to coordination between the licensees and offsite agencies' emergency response organizations and operations. . . . In order to obtain better assurance that emergency response organizations can function, in an operational sense, during an emergency, the proposed rule changes require testing of communication links and joint drills and exercises.<sup>35</sup>

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<sup>32</sup>U.S. Nuclear Regulatory Commission, Office Of Standards Development, NRC Staff Preliminary Analysis Of Public Comments On Advance Notice of Proposed Rulemaking On Emergency Planning, NUREG-0628, (January, 1980), p. I-I.

<sup>33</sup>Ibid., p. 2-3.

<sup>34</sup>Ibid., p. 2-4.

<sup>35</sup>Ibid., p. 2-6, 2-7.

A total of 60 commenters responded to the questions of whether NRC concurrence in State and local emergency response plans should be conditions of continued operation of existing nuclear power plants and issuance of new operating licenses.<sup>36</sup> Of these, 20 commenters stated NRC concurrence should not be a condition of a license while 36 advised it should be.<sup>37</sup>

All 49 commenters who responded to the question of whether radiological emergency response drills should be a requirement agreed that they should.<sup>38</sup> NRC staff also agreed with the need to upgrade requirements for drills.<sup>39</sup>

It is noteworthy, and unusual, that there was widespread agreement among utilities, State and local governments and public interest groups on the need to improve emergency planning and response capabilities. Particularly interesting are the comments of the Edison Electric Institute, whose members serve more than 99.6 percent of all ultimate customers served by the investor-owned segment of the industry and generate more than 77 percent of all the electricity in the United States.<sup>40</sup> The Edison Electric Institute pointed out the importance of integrating planning efforts of the utilities and State and local governments:

An effective emergency response plan must integrate the plans of the State and local agencies and the licensees. An effective emergency plan should ensure that actions to control an accident, assess the extent of a hazard, initiate notification and protective measures and terminate protective measures will be carried out promptly and expertly.<sup>41</sup>

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<sup>36</sup>Ibid., p. 2-8.

<sup>37</sup>Ibid., p. 2-8, 2-9.

<sup>38</sup>Ibid., p. 2-13.

<sup>39</sup>Ibid., p. 2-15.

<sup>40</sup>Ibid., p. 3-97.

<sup>41</sup>Ibid., p. 3-100.

The Edison Electric Institute also emphasized the importance of coordinated emergency response:

Communication among all of the parties to the plan is essential to provide assurance that appropriate measures will be taken. The consequences of an accident can be effectively limited only if the actions of Federal, State, and local government and licensees are well-coordinated and lines of communication are clear.<sup>42</sup>

Testing the emergency response plans was also found by the Edison Electric Institute to be essential:

The final element, testing, is essential in order to ensure that the other elements are all in place and that the plan will work as designed. The means to implement this element must provide for regular review, drills and tests, and cooperation among all parties.<sup>43</sup>

The Atomic Industrial Forum (AIF), another nuclear industry group, also submitted comments in response to the advance notice.<sup>44</sup> The AIF listed what it believed to be the essential elements of an emergency plan which included: assuring that the responsibility for overall emergency planning and preparedness in State and local governments has been assigned and the emergency responsibilities among State and local governments have been established; identifying and coordinating methods, systems and equipment to be used by facility operators, and State and local governments for assessing or monitoring offsite consequences of a radiological emergency; and providing for periodic plan review, exercising and updating.<sup>45</sup> Regarding the need for drills, the AIF stated:

Radiological emergency response drills at the licensee's site should be conducted periodically to verify the proper functioning of emergency communications systems and procedures, and to demonstrate

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<sup>42</sup>Ibid., p. 3-101.

<sup>43</sup>Ibid., p. 3-102.

<sup>44</sup>Ibid., p. 3-210.

<sup>45</sup>Ibid., p. 3-211.

the proficiency of the emergency teams of the licensee and the non-licensee emergency support groups, including the state, county and local agencies which are responsible, by law, for the health and safety of the public within their legal jurisdiction. Such drills also serve to familiarize involved agencies and their personnel with the functioning and coordination required of numbers of emergency support elements working together under realistically simulated emergency situations.<sup>46</sup>

In response to the question of how concerns of State and local governments should be incorporated into Federal planning, the AIF stated:

Concerns, capabilities, resources, and perspectives of state and local governments are paramount, since they are the responsible authorities involved, and must be fully recognized and incorporated into any federal planning. The most direct and certain way of assuring this is to incorporate federal emergency assistance into state and local plans - not vice versa.<sup>47</sup>

Comments submitted on behalf of ten utilities recognized that emergency plans should provide for evacuation of some members of the public under certain circumstances.<sup>48</sup> The utilities stated also that, "There is general agreement that emergency plan exercises by licensees, responsible officials and emergency organizations are important."<sup>49</sup> The utilities also submitted a copy of a report by the Stanford Research Institute (SRI) entitled "Importance of Preparatory Measures in Disaster Evacuations."<sup>50</sup> That report reviewed emergency response efforts for a wide range of disasters including accidents, fires, floods and hurricanes and assessed the effects of preparatory measures. The SRI report stated that examples of actual evacuations,

exhibit the value of orientation and training of decision-makers and emergency forces in readiness for disaster evacuation. They also point to the value of exercising the organization or orientation and

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<sup>46</sup>Ibid., p. 3-212.

<sup>47</sup>Ibid., p. 3-213.

<sup>48</sup>Ibid., p. 3-230.

<sup>49</sup>Ibid., p. 3-234.

<sup>50</sup>Ibid., p. 3-242.

training. For the training to be effective, an evacuation plan is essential.<sup>51</sup>

The SRI report's findings included the following:

Existence or lack of a plan is most often noted in after-action comments on disasters and improvements in a plan are often recommended by officials and observers. Next most common are recommendations for improvements in equipment and infrastructure. Also noted were exercises of the emergency organization, but in no case was public participation in drills noted or recommended.

Familiarity of local officials with emergency plans and capabilities appears the most important desideratum in preparing for evacuation.

Preparation of specific evacuation plans is essential for orientation and training, but if not exercised by responsible officials and the emergency organization such plans are often not used in actual disasters.<sup>52</sup>

On December 19, 1979, the NRC published the proposed rule change.<sup>53</sup> The NRC stated that the "main thrust" of the proposed rule was that prior concurrence in State and local emergency response plans would be a condition for licensing and operation of a nuclear power plant.<sup>54</sup> The NRC stated also:

While the State and local governments have the primary responsibility under their constitutional police powers to protect their public, the Commission, under authority granted to it by Congress, also has an important responsibility to protect the public in matters of radiological health and safety. Accordingly, with an understanding of its limitations and with a sensitivity to the importance of all levels of governments working together, the Commission will commit to seek and apply the necessary resources to make its part in this venture work.<sup>55</sup>

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<sup>51</sup>Ibid., p. 3-251.

<sup>52</sup>Ibid., p. 3-253.

<sup>53</sup>U.S. Nuclear Regulatory Commission, "10 CFR Part 50, Emergency Planning", Proposed Rule, Federal Register 44, no. 245, December 19, 1979, 75167-74.

<sup>54</sup>Ibid., p. 75169.

<sup>55</sup>Ibid.

The rationale stated by the Commission itself is particularly relevant now that it has proposed changing the rule removing the safeguards it once thought important. As its rationale for the rule proposed in 1979, the Commission stated as follows:

The proposed rule is predicated on the Commission's considered judgment in the aftermath of the accident at Three Mile Island that safe siting and design-engineered features alone do not optimize protection of the public health and safety. Before the accident it was thought that adequate siting in accordance with existing staff guidance coupled with the defense-in-depth approach to design would be the primary public protection. Emergency planning was conceived as a secondary but additional measure to be exercised in the unlikely event that an accident would happen. The Commission's perspective was severely altered by the unexpected sequence of events that occurred at Three Mile Island. The accident showed clearly that the protection provided by siting and engineered safety features must be bolstered by the ability to take protective measures during the course of an accident. The accident also showed clearly that on-site conditions and actions, even if they do not cause significant off-site radiological consequences, will affect the way the various State and local entities react to protect the public from dangers, real or imagined, associated with the accident. A conclusion the Commission draws from this is that in carrying out its statutory mandate to protect the public health and safety, the Commission must be in a position to know that off-site governmental plans have been reviewed and found adequate. The Commission finds that the public can be protected within the framework of the Atomic Energy Act only if additional attention is given to emergency response planning. . . .

The Commission recognizes that this proposal, to view emergency planning as equivalent to, rather than as secondary to, siting and design in public protection departs from its prior regulatory approach to emergency planning. The Commission has studied the various proposals and believes that this course is the best available choice.<sup>56</sup>

The NRC acknowledged "the important contributions" by various commenters whose views were included as part of the basis of the rule.<sup>57</sup> The NRC expressly referred to GAO Report EMD-78-100 and the Kemeny Commission report.

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<sup>56</sup>Ibid.

<sup>57</sup>Ibid.

In proposing the rule, NRC requested comments on alternative versions of portions of the rule. The NRC conducted four regional workshops to present the proposed rule changes and solicit comments. More than 200 letter comments were received by the NRC.<sup>58</sup> The NRC published a summary of the public comments and the NRC's staff analysis of the comments,<sup>59</sup> but did not publish the actual comments. In the published summary, the NRC stated that some commenters saw the rule "as in effect giving the State and local governments veto over the operation of power plants" and questioned whether this was the intent of the rule. The NRC staff's evaluation of this critical comment was as follows:

The Commission's final rules are based on 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 975169) 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. . . .

In response to and guided by the various reports and public comments, as well as its own determination on the significance of emergency preparedness, the Commission has therefore concluded that adequate emergency preparedness is an essential aspect in the protection of the public health and safety. The Commission recognizes there is a possibility that the operation of some reactors may be affected by this rule through inaction of State and local governments or an inability to comply with these rules. The Commission believes that the potential restriction of plant operation by State and local officials is not significantly different in kind or effect from the means already available under existing law to prohibit reactor operation, such as zoning and land-use laws, certification of public convenience and necessity, State financial and rate considerations (10 CFR 50.33(f)), and Federal environmental laws. . . . The Commission believes, based on the

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<sup>58</sup>U.S. Nuclear Regulatory Commission, Office Of Standards Development, Summary Of Public Comments And NRC Staff Analysis Relating To Rulemaking On Emergency Planning For Nuclear Power Plants, NUREG-0684, (September, 1980), p. 2-1.

<sup>59</sup>Ibid.

record created by the public workshops, the State and local officials as partners in this undertaking will endeavor to provide fully for public protection.<sup>60</sup>

The final rule was issued on August 19, 1980.<sup>61</sup> In the rationale of the rule the Commission adopted verbatim the staff's evaluation quoted above.

II. THE PROPOSED RULE IS INCONSISTENT WITH BASIC PRINCIPLES OF EMERGENCY RESPONSE PLANNING AND THE LESSONS LEARNED AT TMI

A. Legally and Practically, State and Local Governments Have the Primary Responsibility to Respond to Accidents and Disasters

It is fundamental that the basic police powers are exercised by State and local governments. The principle was recognized by the NRC in the emergency planning procedures in place before the TMI accident. The emergency response at TMI was primarily that of State and local organizations. The United States Armed Forces did not respond -- State and local emergency response personnel did. The emergency response role of the NRC and the Federal agencies is to advise and assist State and local emergency response agencies.

It seems even more basic that government police powers cannot be exercised by private industry. Governments have the power to close highways, order evacuations and arrest recalcitrant individuals. Such actions cannot lawfully be taken by private persons. Congress has the power to pre-empt State and local police powers. On rare occasions, such as enforcement of Federal civil rights statutes in the 1960's, it is necessary for the President of the United States to assert the supremacy of Federal law by taking such actions as

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<sup>60</sup>Ibid., p. 2-7, 2-8.

<sup>61</sup>U.S. Nuclear Regulatory Commission, "10 CFR Parts 50 and 70, Emergency Planning", Final Rule, Federal Register 45, no. 162, August 19, 1980, 55402-13.

"federalizing" a State's militia. The NRC, however, does not have the powers of Congress or the President. It does not have the power to require that State and local police, fire and other emergency response personnel must answer to private utilities. It is questionable whether even Congress has the power to enact such a requirement. Police officers are sworn to carry out the law -- not plans of private utilities. By publishing the proposed rule change, the NRC has damaged its credibility with State and local governments throughout the nation. The difficult and sensitive job duties of trained and sworn emergency response personnel cannot be assumed by utility company linemen and clerks and secretaries.

It is unrealistic to assume that emergency response plans developed solely by private utilities could be effectively employed off-site in an actual accident situation. One of the most important lessons from the TMI accident is that emergency response is just a theory unless the State and local governments responsible for responding have developed emergency response plans that they know will work. Even if once "uncooperative" local agencies would respond to an actual accident at a nuclear power plant as NRC predicts, the response would not be effective unless those agencies had developed and exercised the response plan.

B. The Primary Role of the NRC Is to Protect the American Public From Radiological Hazards

The proposed rule change raises the question of whether the NRC regards its primary role as promotion of nuclear power, not protection of the American public from radiological hazards. If true, this approach would not only ignore the enactment of the Energy Reorganization Act of 1974, it would ignore the Kemeny Commission's finding that the NRC was so preoccupied with the licensing of plants before TMI that it had not given primary consideration to overall safety issues.<sup>62</sup> It is difficult not to conclude that the Commission has already decided that Seabrook and Shoreham will be licensed. Such an

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<sup>62</sup>Kemeny, p. 51.

"ends justifies the means" philosophy is not in the public interest. The consequences of such a philosophy are aggravated because the rule will apply not only to Seabrook and Shoreham, but nationwide.

The Commission argues at length in the March 6, 1987, Federal Register publication regarding the relative importance to the public health and safety of design engineering and siting versus emergency response. The reason for the extended argument is that the Commission obviously finds it difficult to reverse its "considered judgment" after the TMI accident that emergency planning was equivalent to, rather than secondary to, siting and design in terms of protecting public health and safety.<sup>63</sup> The reason for the difficulty is that there is no basis for the rule change other than the result-oriented goal of licensing Seabrook and Shoreham.

In its published rationale for the 1980 rule, the Commission stated:

It is clear, based on the various official reports described in the proposed rules (44 FR 75169) and the public record compiled in this rulemaking, that on-site and off-site emergency preparedness as well as proper siting and engineered design features are needed to protect the health and safety of the public. . . .

In response to and guided by the various reports and public comments, as well as its own determination on the significance of emergency preparedness, the Commission has therefore concluded that adequate emergency preparedness is an essential aspect in the protection of the public health and safety. (emphasis added)<sup>64</sup>

The Commission did not adopt the rule in a vacuum. It did so following the TMI accident and upon recommendations in numerous reports and comments, including comments and recommendations from the nuclear power industry. Yet as the Commission now states,

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<sup>63</sup>44 FR 75169.

<sup>64</sup>45 FR 55403-04.

"The rules changes . . . are not dependent in any way on new information about nuclear plant accident source terms, probabilistic risk assessments, or scientific studies of the risk reduction potential of emergency planning."<sup>65</sup>

Rather, the only basis of the change is a change in "philosophy."<sup>66</sup> The cornerstone of that philosophy is a political judgment that the Commission which adopted the rule in 1980 was wrong, the Presidential Commission was wrong, the General Accounting Office was wrong, NRC's Inquiry Group was wrong, State and local governments were wrong -- and that this Commission has decided nuclear power plants will be licensed even if it means reducing the level of safety provided to the public. By basing its actions on a matter of national energy policy rather than its specialized technical expertise, the Commission is intruding upon the province of Congress and the President.

C. To Assure the Public Adequate Protection Against the Dangers Posed by Nuclear Power Plants, the Efforts of the NRC, the Plant Operators and State and Local Governments Must Be Integrated

Even before the TMI accident, emergency response planning involved Federal, State and local officials and nuclear power plant personnel. As recognized for years by the NRC, the Federal role was to advise and guide, the State and local role was to plan for off-site response and the licensee's role was to plan for onsite response. As observed by the Kemeny Commission, in 1979 emergency planning had a low priority in the NRC and its predecessor the AEC.<sup>67</sup> The Federal government encouraged State and local governments to have emergency plans but did little more. Very little was done to cause the licensees to promote State and local government planning. As the Kemeny

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<sup>65</sup>U.S. Nuclear Regulatory Commission, "10 CFR Part 50, Licensing Of Nuclear Power Plants Where State and/or Local Governments Decline To Cooperate in Offsite Emergency Planning", Proposed Rule, Federal Register 52, no. 44, March 6, 1987, p. 6983.

<sup>66</sup>Ibid.

<sup>67</sup>Kemeny, p. 38.

Commission found, off-site planning was characterized by a lack of coordination and urgency at all levels of government.<sup>68</sup> The flawed assumption shared by the NRC, State and local officials and industry alike was that a major accident would never happen and thus there was little need to seriously plan for one.<sup>69</sup> In retrospect, the total confusion and lack of communication at all levels which characterized the emergency response for the TMI accident was predictable. Had the situation not been so serious, the confusion -- even among high-level NRC staff -- over whether to evacuate, where to evacuate and whom to evacuate would have been comical.

Following the accident there was unanimity among Federal officials, State and local officials and industry representatives not only that emergency response planning had to be improved, but that the planning efforts had to be integrated. Yet now, the Commission is proposing to ignore the lessons of TMI and adopt a rule that allows licensees to prepare emergency plans on the behalf of State and local governments. No coordination is required, no integration of planning efforts. It simply will not work. The Commission has no studies to indicate otherwise -- just a new philosophy that emergency response planning is not essential.

D. To Best Protect the Public From the Dangers of a Radiological Accident at a Nuclear Power Plant, Emergency Response Plans Must Be Developed and Exercised.

Development of emergency response plans and exercising of those plans were principles of emergency response planning before the TMI accident. However, neither the plans nor the exercises were required. Following the accident, there was unanimity among the NRC, the nuclear power industry and State and local governments that plans must be developed and must be exercised. Every one of the 49 commenters who responded to the question about drills in the July 17, 1979, advance notice agreed that drills should be mandatory. The

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<sup>68</sup>Kemeny, p. 39.

<sup>69</sup>Rogovin, p. 90; Richard T. Sylvester, "Nuclear Power Plants and Emergency Planning: An Intergovernmental Nightmare", Public Administration Review (September/October 1984), p. 400.

Edison Electric Institute stated that testing was "essential" in order to ensure that all elements of the plan were in place and that it would work.<sup>70</sup>

In the proposed rule, the Commission would reverse its position that exercises which include State and local government emergency response agencies must be conducted. There will thus be no assurance that the emergency response plans will actually work. The Commission has not even given a reason why it believes full-participation exercises are no longer important.

E. Evacuation of the Public From the Area Around Nuclear Power Plants May Be Necessary in Some Extremely Dangerous Situations and Evacuations Must, Therefore, Be Part of an Emergency Response Plan

It is the issue of evacuation that has caused the Commission to propose to reject almost everything that was learned at TMI about emergency response. The reason is that it is the issue of evacuation, more than any other, that has caused the State and local governments involved in the Seabrook and Shoreham licensing controversies to "refuse to cooperate" in the Commission's eyes. The Commission states that it believed when it adopted the 1980 rule that all affected State and local governments would cooperate. The Commission describes the refusal to cooperate in emergency planning for Seabrook and Shoreham as onerous, inequitable and unfair.<sup>71</sup> IDNS does not purport to speak for officials of other State and local governments, but we doubt that they feel they are refusing to cooperate. Rather they are likely stating their opinions that necessary emergency planning and response, including evacuation, cannot be carried out at Seabrook and Shoreham. What the Commission fails to recognize is that these are State and local responsibilities. Utilities cannot handle off-site response or order evacuations, nor should they be expected to.

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<sup>70</sup>NUREG 0628, p. 3-102.

<sup>71</sup>52 FR 6981.

In adopting the rule in 1980, the Commission expressly recognized that "there is a possibility that the operation of some reactors may be affected through inaction of State or local governments or an inability to comply with these rules."<sup>72</sup> The Commission also recognized that this gave a "veto" to State and local governments. The Commission's error today is to believe that it should override a local veto when the underlying issue -- emergency planning and response -- is primarily a State and local responsibility, not a Federal responsibility.

The necessity to include evacuation in an emergency response plan was recognized by the Kemeny Commission, the nuclear industry and the NRC after TMI. Lack of such a plan at TMI resulted in confused and contradictory actions by State, local and NRC officials. We can safely assume that the NRC is not proud of its own performance as detailed in the Kemeny Commission and Regovin Inquiry Board reports. Yet, now the Commission apparently believes it knows more about evacuations than State and local officials who necessarily must carry them out. It does not even offer any studies to disprove its prior position that evacuation may be necessary and must be planned for. The Commission is again erring on the side of industry's convenience to the detriment of its primary mission of assuring safety.<sup>73</sup>

### III. THE PROPOSED RULE MUST BE SUPPORTED BY AN ENVIRONMENTAL IMPACT STATEMENT

Should NRC ignore IDNS's reasons for retaining the present rule, the proposed rulemaking should nevertheless be withdrawn because it is not supported by an Environmental Impact Statement. Section 102(2)(c) of the National Environmental Policy Act (NEPA), 42 U.S.C. §4321 et seq., requires all agencies of the Federal Government to prepare an Environmental Impact

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<sup>72</sup>45 FR 55404.

<sup>73</sup>See Kemeny, p. 19.

Statement (EIS) for all "major Federal actions significantly affecting the quality of the human environment."

There is no question that rulemaking by the Nuclear Regulatory Commission which would modify emergency planning requirements to be imposed on nuclear power plants is a major Federal action subject to the NEPA process. NRC's own rules<sup>74</sup> require evaluation of the environmental impacts of substantive amendments to determine if an Environmental Impact Statement should be prepared. Furthermore, in 1980, when the NRC first proposed changes in the emergency planning requirements, NRC had no doubt that NEPA was applicable. In conjunction with the 1980 proposal, NRC prepared an Environmental Impact Assessment and issued a Finding of No Significant Impacts.<sup>75</sup>

Since there is no question that the proposed rule change constitutes a major Federal action, the threshold issue for determining whether preparation of an EIS is required is whether the proposed action significantly affects the quality of the human environment. While no definitive standard has been expressed which clearly states when an action significantly affects the environment, in Students Challenging Regulatory Agency Procedures (S.C.R.A.P.) v. United States,<sup>76</sup> the district court stated that an EIS must be prepared "whenever the action arguably will have an adverse environmental impact."<sup>77</sup>

Thus, if it is arguable that the quality of the human environment will be adversely affected by the proposed change in the emergency planning requirements, an EIS must be prepared. On the grandest level, it is obvious that the rule change will have significant effect on the environment. The

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<sup>74</sup>Title 10, Code of Federal Regulations, Part 51, (Washington, D.C.: Office of the Federal Register, National Archives and Records Administration 1986) pp. 546-581.

<sup>75</sup>45 FR. 55413-55418.

<sup>76</sup>346 F. Supp. 189 (D.D.C. 1972), aff'd 412 U.S. 689 (1973).

<sup>77</sup>346 F. Supp. at 201.

only purpose of the rule change is to enable the licensing of power reactors which do not comply with current emergency planning requirements. As a direct result of the rule change, reactors which would not be otherwise licensable will be licensed by the NRC. Certainly, the operation of these additional power reactors will have some impact on the environment. As evidence of this, one need only look to NRC's own rules<sup>78</sup> that require preparation of environmental impact statements or supplemental environmental impact statements before issuance of full power operating licenses.

Using a more direct analysis, it is also clear that the proposed rule change could have significant environmental impacts which must be considered by the NRC. It has been established that NRC need not consider impacts to the environment of the mere existence of the "risk" of a nuclear accident.<sup>79</sup> There is, however, nothing to suggest that the Commission need not consider the environmental impacts of a proposed rulemaking which would change how such accidents would be handled should they actually occur. It is this aspect of the rule change which should be the subject of an EIS.

In the Environmental Assessment which was prepared in support of the proposed rule, NRC's total analysis of the environmental impacts of the rulemaking was presented in the following single paragraph:

Adoption of the proposed rule could, in a few cases where State or local governments do not cooperate in emergency planning, result in nuclear plant operation with less than optimum governmental coordination in emergency planning. In this circumstance, the public in the vicinity of the few affected plants would be placed at a somewhat greater risk relative to what would be the case if either the governments cooperated or the NRC adhered to its current emergency planning rules. The NRC believes that the extent of this incremental risk is not significant, since: (1) the likelihood of an accident that would trigger the need for a fully coordinated

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<sup>78</sup>10 CFR 51.20(b)(2), p. 552.

<sup>79</sup>Metropolitan Edison Co. v. People Against Nuclear Energy and The United States Nuclear Regulatory Commission v. People Against Nuclear Energy, 103 S. Ct. 1556 (1983), reversing 678 F. 2d 222 (D.C. Cir. 1982).

emergency response is very small, given other NRC safety requirements; and (2) even assuming a serious accident, an adequate and coordinated response may still be possible, given the fact that State and local government will in fact respond in an actual emergency, and given the requirement in the proposed rule that applicant's offsite plan includes effective measures to compensate for a lack of cooperation which are reasonable and achievable and which take into account a possible State or local response to an actual emergency. Although the amendments could result in earlier operation of a few facilities than might be expected under existing rules, the environmental impacts associated with each such facility have already been considered in full environmental impact statements. (emphasis added)<sup>80</sup>

The adequacy of this assessment is questionable on two counts. First, the NRC does not provide any basis for its assertion that an adequate and coordinated response to an accident, should one occur, may be possible. The Commission assumes that this is the case because the applicant's offsite plan will include "effective measures to compensate for a lack of cooperation . . . which take into account a possible State or local response in an actual emergency." The assessment does not analyze the environmental impacts which would result if the other possibility, i.e., no State or local response in an actual emergency, were to occur. Nor does the analysis consider the possibility that reliance on measures which compensate for a lack of cooperation may result in an adverse impact upon the environment.

In concluding that the proposed rule change if adopted, would result in no significant environmental impacts, NRC presumed that there could be an effective plan which compensates for the lack of government involvement. As was stated earlier, however, IDNS does not accept the validity of this presumption. An emergency response plan which does not provide for coordinated use of the infrastructure which State and local government provides is doomed to fail. Merely providing a role for State and local

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<sup>80</sup>Memorandum to the Commissioners, from William C. Parler and Victor Stello, Jr., Subject: "Consideration of Emergency Planning Rule Changes to Deal With Lack of Governmental Cooperation in Offsite Emergency Planning, Attachment C" (SECY - 87-35, February 6, 1987).

government, and not requiring that the role be carefully planned in advance, puts the state of emergency planning back to where it was in the days before the accident at Three Mile Island.

Second, the analysis does not compare the environmental impacts that would result from implementation of a coordinated, rehearsed plan against the environmental impacts that would result if an unrehearsed, though arguably effective, response plan were to be implemented. Because of the confusion which is inherent in implementation of a plan for the first time, implementation of an unexercised plan would result in less efficient emergency response than the response which would be achieved if the plan were rehearsed. Even the regulated community recognizes that testing of the plan "is essential in order to ensure that the other elements are all in place and that the plan will work as designed."<sup>81</sup> Since the proposed rule would no longer require State and local participation in emergency planning, and because removing that requirement would mean that emergency plans would no longer have to be rehearsed by State and local government responders, before NRC can dismiss this proposed rule change as not significantly affecting the quality of the human environment, some analysis must be done which establishes that the proposed rule would result in no adverse effects on public health following an accident. Such an analysis would have to conclude that the proposed rule change, which requires only that licensees provide local governments with a copy of the emergency plan but which does not require local authorities to be familiar with or commit to implementing that plan, would result in no adverse impact on the environment. But, as was noted above, such a conclusion is contrary to the lessons learned from the accident at Three Mile Island.

Because any emergency planning requirement which does not require State and local involvement in the planning stages would have an adverse impact on the environment should that plan ever have to be implemented and because a

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<sup>81</sup>NUREG-0628, p. 3-102.

plan which is not coordinated or rehearsed will not be as effective as one which is, the Environmental Assessment prepared by the NRC is inadequate and does not support a "Finding of No Significant Impacts." Compliance with NEPA and with the NRC's own rules<sup>82</sup> requires that before adopting the proposed rule change, NRC must first prepare an Environmental Impact Statement which addresses both the environmental impacts of an accident when State and local governments do not respond, and the environmental impacts of implementation of an emergency response plan by unprepared State and local agencies.

#### IV. CONCLUSION

The NRC is a Congressionally created administrative body that is supposed to have the specialized expertise to protect the American public from radiological hazards, including hazards posed by nuclear power plants. To that end, Congress and the Federal courts have developed the doctrine under which States and local governments are preempted from regulating the radiological safety aspects of nuclear power generation. However, emergency response has not been preempted and remains primarily a State and local responsibility. If the protections from careful siting and design engineering fail, or are overridden manually, the remaining protection for the public is emergency response. There is little point in debating whether siting and design engineering are "more essential" than emergency response. Experience, reinforced by many studies and recommendations from a wide range of commenters, including the nuclear industry, has shown that effective emergency response is essential to guarantee the American public an appropriate level of protection. The sobering lesson of TMI and Chernobyl is that emergency response capabilities are essential. Integrated plans must be developed by the agencies which might be called upon to carry them out and the plans must be exercised. Evacuation may be necessary and must be included in the emergency response plans.

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<sup>82</sup>10 CFR 51.20(a), p. 552.

The proposed rule would allow the operation of nuclear power plants despite the absence of integrated emergency response plans developed and exercised by State and local emergency response agencies. The proposed rule would remove the assurance under the current rule that the public health and safety will be effectively protected.

As shown by Illinois' experience, industry and State and local governments share the goal of protecting the public from a nuclear accident and can work together cooperatively. Cooperation and integration of planning efforts enhances public health and safety and should be promoted by the NRC. Unfortunately, the proposed rule promotes further confrontations which will have consequences far beyond New Hampshire, Massachusetts and New York.

The proposed rule cannot possibly enhance public health and safety. The question is how much less protection will the public have if the rule is adopted. The NRC should have attempted to address this question in an Environmental Impact Statement. Had an EIS been prepared, in our view, it would have shown that the proposed rule would significantly impair emergency response efforts, thereby placing the public health and safety unnecessarily at risk.

The overall conclusion of the Kemeny Commission was that:

To prevent nuclear accidents as serious as Three Mile Island, fundamental changes will be necessary in the organization, procedures, and practices -- and above all -- in the attitudes of the Nuclear Regulatory Commission and, to the extent that the institutions we investigated are typical, of the nuclear industry.<sup>83</sup>

The least defensible aspect of the proposed rule change is that it has no public health and safety basis. The NRC has recognized that there are no new facts, no new studies, to support the rule change. There is nothing to disprove the conclusions reached by the NRC itself, and many others, after the

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<sup>83</sup>Kemeny, p. 7.

TMI accident. The only reason for the proposed rule change is that it is consistent with the goal of promoting nuclear power. This is a proper goal for the U.S. Department of Energy but, under current law, it is not a proper goal for the NRC. The Kemeny Commission criticized the NRC for its preoccupation with licensing nuclear power plants and its relative disregard for safety issues. The proposed rule change would appear to signal the NRC's retreat to its pre-TMI attitudes and preoccupation with licensing. The NRC has stated the basis for the rule is its philosophy, not its specialized expertise. It thus appropriates the constitutional role of the President and Congress.

The proposed rule is poorly reasoned and does not withstand scrutiny under commonly-held principles of emergency planning. While the rule change may be in the short-term financial interest of the utilities that own Seabrook and Shoreham, in the long run it will likely benefit nuclear power opponents. Most importantly, it is not in the interest of public health and safety and should not be adopted.



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TELEPHONE: (516) 861-8777

Congress of the United States  
House of Representatives

Washington, DC 20515  
April, 1987

COMMITTEE ON  
WAYS AND MEANS  
SUBCOMMITTEE ON TRADE  
COMMITTEE ON THE BUDGET  
SELECT COMMITTEE ON AGING

Dear Neighbor,

If you believe, as I do, that the Shoreham Nuclear Power Plant should not open, please take a few moments to read this letter.

You may know that the Nuclear Regulatory Commission -- the Federal agency with responsibility for licensing nuclear power plants -- recently proposed a rule change which would allow Shoreham to go on line against the wishes of state and local government officials.

The NRC used to agree with us. They had a rule that prohibited the licensing of nuclear power plants without an emergency response plan developed by state and local government authorities. This rule was a direct result of the Three Mile Island accident, and it's a good rule.

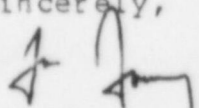
New York State and Suffolk County have determined that it wouldn't be possible to protect and evacuate Suffolk County residents in the event of a nuclear accident. Therefore, the licensing process should STOP.

But now the NRC has changed its mind. Instead of listening to us, the NRC is trying to circumvent its own process and change the rules in the middle of the game so it can allow Shoreham to be opened.

I have strongly opposed this rule change. I testified before the NRC here in Washington and stated my unequivocal opposition to this latest attempt to open Shoreham at all costs. Shoreham must not open.

If you are as concerned as I am, you can voice your concern by signing the letter on the reverse of this page and returning it to me. I will deliver your letter to the NRC personally, so that your opposition to this rule change can be included in the public record.

Sincerely,

  
THOMAS J. DOWNEY  
Member of Congress

P.S. Please take just a few moments -- right now -- to sign and return this letter to me. I need your response by April 24!

ANNA PAULSEN  
71 East 2nd Street  
Huntington Station, NY 11746

'87 JUN -1 P5:33

OFFICE  
DOCK: 8F 10-

May 22, 1987

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Shoreham Nuclear Power Plant

Dear Secretary of NRC:

It is my understanding that NRC is proposing to change its emergency preparedness rules in order to try to make it possible to license Shoreham. I am surprised that you continue to ignore the wishes of the people who live on Long Island. We have made it as clear as we possibly could that most of us oppose the opening of Shoreham ever.

I see the existence of this nuclear power plant as a threat to this beautiful island, and the toxic nuclear wastes it will produce as a threat to future generations everywhere.

We don't want nuclear energy on Long Island. Stop trying to impose it on us.

Sincerely,

  
Anna Paulsen

'87 JUN -1 P5:35

OFFICE OF THE SECRETARY  
DOCKET NUMBER PR-50  
EMERGENCY PLANNING

May 21, 1987

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Gentlemen:

The news that the NRC is proposing to change emergency preparedness rules in order to open the Shoreham power plant here on Long Island has shocked our family, friends, and neighbors.

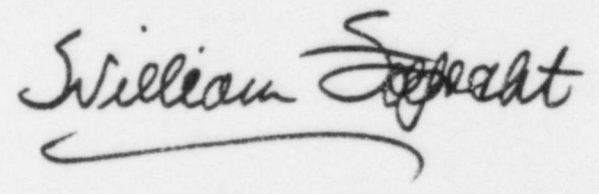
We simply cannot believe that such utter disregard for human welfare is possible in today's America.

With what happened at Chernobyl still fresh in our minds, we cannot believe that your members are ready to take this illegal step.

For once -- let intelligence and not stupidity or greed direct your efforts!

Sincerely,

William Folprecht  
309 Third Avenue  
E. Northport, N.Y.  
11731



'87 JUN -1 P5:15

Dear Secretary of Nuclear Regulatory Commission, May 19, 1987

OFFICE  
DOCKET

We recently read the article in a Long Island newspaper stating your proposal to allow the licensing of a nuclear power plant without an approved state or local emergency escape plan. We vehemently object to such a proposal. Travel on our expressway and parkways are impassable on major holidays when only some of our citizens are travelling. In the case of an emergency, EVERYONE will be on these roads looking for safety. There is no safety from the waste of a nuclear power plant. Commissions have realized that both of these facts are true, how in the name of sanity can you even consider using nuclear power.

Haven't we learned our lesson from the Chernobyl disaster?  
These effects will be felt forever.

Concerned United States Citizens

*Bill - Eric Glassgold*  
*18 Cleveland Place*  
*John Ave, N.Y. 11542*

'87 JUN -1 P5:20

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

May 22, 1987

OFFICE OF THE SECRETARY  
DOCKET BRANCH

Dear Sir;

As a schoolboy, I was taught to trust my government to carry out the will of the people who elect it. Yet, with each passing month, the actions of your Commission make a mockery of the faith that we have put in our public servants.

For example, the Shoreham nuclear plant on Long Island, N.Y. is the product of venality, carelessness and greed on the part of a notorious utility company. It is being pushed into operation by money and influence after years of delay and mismanagement.

It is located in an area whose population cannot be evacuated safely in case of a nuclear accident. The majority of the people of Long Island fear its going into operation; they do not want it; they do not need it.

Yet, your latest move, apparently solely for the benefit of Shoreham in particular and the nuclear industry in general, is to change the operating rules for the convenience and profit of the industry. It is a sorry comment on the integrity of people who are charged with the well-being of Americans that your group should even consider changing safety procedures for the benefit of big business. Have you, after all, no consciences whatever?

As the nuclear age proceeds, life on the planet becomes more fragile and riskier with each passing year. It is time for persons in your position and those of your colleagues to measure up to the public responsibilities with which you have been entrusted.

Please do not weaken the safety requirements for a nuclear power plant to go into operation. I would like your grandchildren as well as mine to enjoy as beautiful a world as the one in which I grew up.

Apprehensively yours,

*Kenneth Poli*

Kenneth Poli

283A River Road,  
Calverton, L.I.N.Y. 11933

DOCKET NUMBER PR-50  
PROPOSED RULE (52 FR 6980) **4716**  
EMERGENCY PLANNING

'87 JUN -1 P5:07

To the Secretary,  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

OFFICE OF THE SECRETARY  
DOCKETING SERVICE  
BRANCH

Gentlemen or Ladies;

I am eighty years old, I have arthritis, diabetes, plus several other ailments But I Thank God I can still get around and enjoy free air to breathe, for myself as well as my children, grandchildren, and great grandchild. I would like to be reasonably sure that we can still follow that procedure. However with conditions as they are, I wonder how long we would be able to have reasonably pure air to breathe if LILCO is able to open the Shoreham plant or anyother plant with Nuclear power. They have already had accidents (as they call them, when we are able to learn about them.) They have neglected to repair other places to prevent power failures and I sometimes wonder if those failures are sometimes possibly planned to convince us that they need Shoreham. PLEASE VOTE AGAINSTIT AND D~~U~~ EVERYTHING POSSIBLE TO KEEP US FREE OF NUCLEAR POWER.

It seems to me that to many people are making rules to break existing rules. Our Country was founded on Freedom of Speech as well as the freedom to breathe. As it is, with traffic conditions as they are, especially on weekends, holidays etc, it causes traffic to crawl. What would it be if everyone was trying to hurry and get off of the Island?

Please forgive errors, but I'm sure this letter of protest against the lieensing of Shoreham Nuclear Power Plant is a lot more legible than if I had written it by hand. I thank you for your time , and consideration of this plea.

Respectfully yours,

*Laura Rogers*

Laura Rogers.

DOCKET NUMBER PR-50  
PROPOSED RULE (52 FR 6980)  
EMERGENCY PLANNING

4722

106 Hallock Lane

Box 1522

Rocky Point, New York

May 20, 1987

'87 JUN -1 P5:22

6/17/87

DOCKET

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C.  
20555

Dear Mr. Secretary,

We write to inform you of our opposition to changes in the rules that govern licencing of nuclear power plants. Specifically we are opposed to changes in the emergency preparedness requirements. Long Island is a densely populated area, with only limited corridors of evacuation. Recent tragedies in the USSR and in the past at Three Mile Island-- and also the loss of the Challenger one of the most technologically advanced systems, under the guidance of some of the best minds in this country-- underscore the fact that accidents can occur regardless of how well we prepare for them. We must not change these rules!

Yours truly,

*Robert Kalin*  
Francis A. Kalin

Mr and Mrs Robert J. Kalin

DOCKET NUMBER PR-50  
PROPOSED RULE (52 FR 6980)  
EMERGENCY PLANNING

4723

5 Solid Line

Shore Brook NY

May 21, 1987

DOCKET

'87 JUN -1 P5:21

OFFICE  
DOCKET  
BRANCH

SECRETARY  
U.S. NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

I do not believe that the commission should change its emergency preparedness rules and make it possible for Shoreham to obtain a license to operate. It is obvious to most of us living in the shadow of this plant that our safety would be compromised if this plant were allowed to operate. We appeal to you to keep the safety of Long Islanders foremost in your thoughts and actions.

If you in any way believe that evacuation from this island under emergency conditions is possible, I implore you to simply look at our major highways and secondary roads during regular commuter hours. It is difficult for us to transport ourselves from one place to another, in a reasonable amount of time, during these times.

Please, you have given us the opportunity to comment....

LISTEN :

Concerned Citizen(s),

*Frederic S. Goldburg*  
Frederic S. Goldburg

Acknowledged by card. \_\_\_\_\_

P.O. Box 675

Miller Place,  
Long Island, NY  
11764

'87 JUN -1 P7:33

OFFICE OF DOCKET REGISTRATION  
MAY 24 1987

Secretary  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Sir:-

We reside within the 10-mile radius  
of the Shoreham Plant and we are  
concerned about anything related  
to this installation.

For the sake of public safety, we  
feel strongly that the NRC proposal  
to eliminate the present requirement  
for effective emergency preparedness  
should not be adopted. The safety  
of all citizens should take priority  
in this matter so please do not  
discard this very necessary requirement.

Thank you.

Jameson Denting  
Kathleen Denting

STOP SHOREHAM  
IT'S UNSAFE AT ANY SPEED 1

May 22 87 9 JUN 7-1 P5:29

OFFICE  
DOCKET  
BRANCH

Dear NRC:

How can you change  
a rule that will <sup>then</sup> surely allow  
the citizens of Long Island  
to be in grave danger?

We cannot trade ~~of~~  
the future welfare of the  
people for a huge economic  
mistake!

Nuclear power is itself  
a mistake. Let's not compound  
our errors by opening  
"Shoreham's Folly"! -

Sincerely,

Peter N. Mermin

MR PETER MERMIN  
201 BAYVIEW TERRACE  
PT JEFFERSON NY 11777



MADD

Acknowledged by card.....

'87 JUN -1 P5:11

OFFICE OF THE  
DOCKET CLERK

Secretary of the Commission  
N.R.C.  
Washington, D.C. 20555  
Attention: Docket Clerk

5/19/87

Dear N.R.C.,

I live on Long Island and I am very concerned about your proposed rule change concerning emergency evacuation planning for nuclear plants.

I urge you to reject the proposal to eliminate state and local government participation in evacuation planning.

I am opposed to this reduction in safety standards.

Sincerely,

*Edmund S. Silman*



E SCHIAVONE  
6 LOWICK PL  
HUNTINGTON STA NY 11745

DOCKET NUMBER PR-50  
PROPOSED RULE (52 FR 6980)  
EMERGENCY PLANNING

4916

'87 JUN -1 P6:38

5-27-87  
DOCKETING & RE  
BRANCH

Dear Sirs,

I am writing to request that you do not change your emergency preparedness rules. It is inconceivable that a nuclear power plant would be allowed to operate without proper evacuation plans in the event there should be a problem. In the case of Shoreham there could be no such plan. Any one who lives here or even visits for a short period of time would know that without a doubt.

I truly cannot believe you would take the chance with thousands of our lives and permit the rules to be changed to permit the opening of Shoreham.

Yours Truly,  
Mrs. Charlotte Stogdale  
335 Mollie Blvd.  
Holbrook, N.Y. 11741

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20550

'87 JUN -1 P7:49

OFFICE  
DOCK

Dear Secretary,

I oppose the proposal changing the emergency preparedness rules in the case of the Shoreham Power Plant on Long Island.

I live within the 10 mile limit and know this community would be paralyzed should an evacuation be necessary. We live on an island; daily rush hour is a nightmare, much less large scale evacuation of numerous communities.

I find it troublesome that the NRC is so willing to change rules to accommodate the financial constraints placed on Lilco. The state, county and local groups oppose opening of Shoreham. I urge the NRC to uphold safety standards that are thorough for such a dangerous nuclear industry. Represent my interests by maintaining the emergency preparedness rules now in place.

Sincerely  
Marie Chaudick  
15 Evans Pl.  
Port Jefferson NY 11777

'87 JUN -1 P7:50

OFFICE OF THE  
DOCKETING  
BRANCH

SECRETARY  
NUCLEAR REGULATORY COMMISSION . WASHINGTON DC

DEAR SIR:

THE NRC must not eliminate the present  
requirement for effective emergency preparedness.

Safety must be everyone concern, including  
the local authorities.

Do not open Shoreham.

Resident of Suffolk County

Mario Palleschi  
8 ENCHANTED WOODS CT  
MILLER PLACE N.Y. 11764

4935

DOCT

JUN -1 P6

87-11-1  
40-48 West 4th St  
Patchogue, N.Y. 11772  
May 22, 1987

Secretary  
Nuclear Regulatory Commission  
Washington, D.C.

OFFICE OF  
DOCKET ADMINISTRATION  
BRANCH  
87 JUN -1 P6 44

Dear Sir,

I understand there has been a proposal recently concerning the raising up of safety standards or re-evaluation of an escape plan in regards to the Shoreham Nuclear Power Plant on Long Island. I have been a lifelong resident of Long Island and would like you to know that I am strongly opposed to such a measure. The danger is just too great. Escape if there was an accident impossible but would be pure hell on earth, nothing less, and the whole idea of Shoreham becoming operational is absolutely ludicrous. Unfortunately, my longer will to fight for this is now if a possibility it becomes and that means no more deaths. I hate to think of the contamination, property, business dropping and an exodus of many from Long Island.

This plant must be shut down now and forever to do otherwise would be pure insanity.  
Thank you

Sincerely,  
Maurice Resnais

4936

'87 JUN -1 P6:48

Avis S. Usher  
19 Pleasant Lane  
East Hampton, New York 11937

OFFICE  
DOCKET

May 25, 1987

Secretary  
U. S. Regulatory Commission  
Washington, D. C. 20555

Dear Sir -

PLEASE DO NOT change the "emergency preparedness m rules" to make it possible for the Long Island Lighting Company to open the nuclear plant at Shoreham on Long Island.

LILCO HAS USED JUST ABOUT EVERY RUSE KNOWN TO MAN - every connection it has in government - local, state, and federal - in politics - in business - in an effort to get Shoreham on line and operating. This in the face of loud and long opposition expressed by its customers - us "natives" - this group they blatantly ignore.

LILCO MADE ITS OWN MISTAKE - let them assume the burden of that mistake - abandon Shoreham for eternity - Let LILCO absorb the costs of this unsafe and poorly constructed plant. DO NOT jeopardize the lives of thousands of us on the east end of Long Island just to bail LILCO out of its costly error in judgement. LILCO'S main interest is to be able to continue to pay dividends to its investors and so keep them happy. That is so inconsequential when one considers the obvious fact that there is no way on earth that we EastEnders could get out of danger.

Thank you,

(Mrs.) Avis S. Usher

4939

'87 JUN -1 P 6:48

E. P. Kroupa  
Box 128  
Stony Brook, NY 11790

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

May 23, 1987

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C.

Dear Sir:

Please add the names of my family to the list of those who oppose the proposal to change the Commission's emergency preparedness rules, since the proposed rule would not maintain the necessary standards of safety for the public. Countless residents of Suffolk County, N.Y. are aware of the dangers possible.

Respectfully,  
(Mrs. J.F.) Esther Kroupa

4941

May 24, 1987  
'87 JUN -1 P6:43

OFFICE OF THE SECRETARY  
DOCKET BOARD  
BRANCH

Dear Sirs

I would sincerely hope, and, pray, that the Commission will not change the emergency rules for the evacuation of the Shoreham nuclear power plant. There is simply no way off this island in such an event.

Thank you

Very Truly Yours,  
D.J. Cannon

Daniel J. Cannon  
10 Roll in Park  
Calverton, NY 11933

DOCKETED  
USNRC

'87 JUN -1 P6:35

May 25 1987

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Secretary  
U. S. Nuclear Regulatory Commission

Dear Sir

How can you change the lives  
of so many people?  
The proposed rule change is  
to benefit who at any cost.  
Corporate + Political well being  
should take second place to  
public safety

Sincerely

John P McLaughlin  
137 Kings Point Rd  
East Hampton NY  
11937

May 27, 1987

To Chairman Zech,

87 JUL -1 A9 49

OFFICE OF PUBLIC AFFAIRS  
DOCKET NUMBER SERVICE  
BRANCH

I am writing to express my opposition to the proposed rule change that would eliminate state participation in evacuation planning for the Seabrook nuclear power plant. This proposal indicates to me a ruthless disregard of the rights and safety of the people in communities in the vicinity of the plant, and elsewhere. I believe the rule change would be an immoral act on the part of the NRC given the large numbers of people who are opposed to the opening of the plant, due to their awareness of the great potential dangers it poses to themselves and the environment.

I feel that an independent investigation of the plant, following allegations of construction faults, is long overdue, and should be conducted immediately.

And one last point:

This is 1987 and our environment seems to grow more toxic by the minute. The planet is in desperate need of some care, some real attention. I suggest

that you people take some time  
off to do some serious soulsearching  
and to meditate long and hard  
on how you can start to orient your-  
selves in the direction of safe-guarding  
life rather than the reverse.

Sincerely,  
Nancy J. Naylor

N. NAYLOR  
67 WEBSTER ST.  
HAVERHILL, MASS.

01830

DOCKET NUMBER PR-50  
PROPOSED RULE (52 FR 6980)  
EMERGENCY PLANNING

5-14-87  
99 South Main St.  
Newton, NH 03858

5062

To : Nuclear Regulatory Commission  
From : Donald R. Milotte  
Re : Seabrook ON-LINE

'87 JUN -1 P3:16

NRC,

As residents of Newton, NH, my wife, my two children and myself, live within the 10 mile emergency evacuation zone of the Nuclear Power Plant. After the events of 3-Mile Island and Chernobyl and the life-threatening effects of their catastrophies, and the poor safety records of such plants as the one at Plymouth, MA, our anxiety and concern over Seabrook coming on-line have increased considerably. Many authorities have stated that Seabrook is not only unecessary to meet our energy requirements, but will be extremely costly to the rate-payers of NH. I do not wish to enhance the profits of the shareholders of this ill-sighted enterprise, especially at my family's peril.

You have been assigned the task of ensuring the safety of the public from the dangers inherent in nuclear energy. How can altering the law and shrinking the evacuation zone down to one mile ensure public safety? This distance is hardly outside the property of Public Service at Seabrook. Does this mean that only the employees occupying the plant and its immediate surroundings are provided for in an evacuation? Many of these employees are not native to the surrounding area. So almost noone who has resided in the local communities for years will be protected, as the large majority of them will be outside the one mile area. Further, how can you now allow that local areas will no longer be required to be involved in an evacuation plan? Do you not think this an unconscionable circumvention of the law and an abrogation the NRC's prime responsibility to the American

DS10:

add: P. Crane, H-1035  
J. Lane, 266 PHIL

1/0

Acknowledged by card.

taxpayer? All too often, the confidence of our citizens has been shaken in the governmental agencies which have been created to protect them. Frequently, it seems, these agencies have become a vehicle for opportunists to avoid the law and their responsibility to the public safety. Please do not further weaken our confidence in our government and our trust in its credibility.

I suggest that you spend some Summer day at one of the beaches at Seabrook or Hampton, if you have the patience of waiting several hours in traffic on one of the few access roads to this area. Then try leaving at approximately the same time as everyone else, and you will get an idea of the absurdity of selecting Seabrook as a site for such a facility in the first place. If there is an accident anytime from May through September, thousands of people will be trapped and life will be lost from the panic and confusion of trying to escape alone. And if the plant is to be operated only part of the year to avoid this calamity, then how can its enormous cost now and in the future be justified?

In conclusion, I do not see why the residents of NH, especially those within 10 to 20 miles, should have to pay, not only with their money, but also with their safety, for the ill-begotten schemes of a few poorly-advised executives whose chief concern is the return on investment for their shareholders. Please protect us and our families from these dangerous profiteers and the nuclear danger they have created for us. If they have made a stupid decision, it should be they who pay for that decision with reduced profits. It should not be us, the people, who should have to pay, who might have to pay, with our health and possibly our lives.

Sincerely,

*Donald R. Melotte*

# THE BOUDREAU'S

9 WOODLAWN AVE.  
HAMPTON FALLS, N.H. 03844

DOCKET NUMBER PR-50  
PROPOSED RULE (52 FR 6980)  
EMERGENCY PLANNING

5:59

'87 JUN -1 P4:52

Docketing and Service Branch  
Secretary of the Commission  
U.S. NRC  
Washington D.C. 20555

OFF  
DOCK

22 May 1987

Dear Sir:

I wish to advise you that I oppose the NRC proposed Rule Change, which would allow public utilities to submit emergency evacuation plans for communities within EPZ's of nuclear generating facilities, when state and local governments have concluded that these plans would not protect or are not in the best interest of the public.

This Rule Change flies in the face of President Reagan's stated intention that his administration does not favor the imposition of federal authority over the objections of state or local governments in matters regarding the adequacy of emergency plans for nuclear power plants.

The Federal Emergency Management Agency (FEMA) has stated clearly that any plans developed without state participation do not meet its safety standards.

After the unfortunate incident at Three Mile Island, federal agencies noted the need for local participation in future planning, which is reflected in NUREG 0654, but now that legitimate concerns have been raised, utilities and their supporters feel that these concerns should be ignored. It would appear that political pressure is becoming so intense that the NRC favors that same concept. The public is depending on the Commission to protect it from the many dangers inherent in nuclear generating facilities and to assure that the people come first.

It appears that the NRC is determined to license nuclear plants at any cost and ignore the realities of public safety. Those of us who reside next to a nuclear facility feel that we are the people to listen to, not the investors, mismanaged utilities or politicians who are less than candid in their approach to this matter.

DS10:

add: P. Crane, H-1035  
J. Lane, 266 PHIL

1/0

Acknowledged by card

The most important thing to assure is that emergency plans must be developed for when the accident or incident occurs. The chance, however slim or great, of such occurrences is not important! We must consider what must be done to assure that the public is protected to the fullest. Anything less is un-acceptable and unconscionable!

Once again, the people must make their voices heard, and I believe that we still have a democratic form of government and that we will be heard and our well being considered as the most essential element in this issue.

Sincerely,

Yvon J.A. Boudreau

cc. Washington Delegation

Shaines & McEachern

Professional Association, Attorneys

DOCKET NUMBER PR-50  
PROPOSED RULE (52 FR 6980)  
EMERGENCY PLANNING

5158

The G&M Law Group  
with affiliated offices in  
Boston, MA  
Burlington, VT  
Hartford, CT  
Kittery, ME  
Portsmouth, NH  
Providence, RI

'87 JUN -1 P5:42

May 27, 1987

Mr. Samuel J. Chilk  
Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Re: Comments on Proposed Rule on Licensing of Nuclear Power  
Plants Where State and Local Governments Decline to  
Participate in Offsite Emergency Planning

Dear Mr. Chilk:

The Town of Hampton submits the following comments in  
opposition to the above-referenced proposed rule, previously  
published in the Federal Register on May 6, 1987 (52 FR  
6980). As grounds for its objection to the proposed rule,  
the Town of Hampton states:

1. As justification for the proposed rule, General  
Counsel William C. Parler advised the Commissioners that  
emergency planning requirements established following Three  
Mile Island were "premised in part on the Commission's  
belief that State and local governments would cooperate in  
the development and implementation of offsite plans."<sup>1</sup>  
10 CFR §50.47 and 10 CFR §50, Appendix E. That statement is  
inaccurate.

The Commission recognizes there is a  
possibility that the operation of  
some reactors may be affected by this  
rule (emergency planning) through inaction  
of State and local governments or an  
inability to comply with these rules.  
45 FR at 55404 (Aug. 19, 1980).

add: P. Crane, H-1035  
J. Lane, 266 PHIL

1  
SECY 87-35.

P.O. Box 360, 25 Mapiewood Avenue  
Portsmouth, New Hampshire 03801  
Telephone 603/436-3110 FAX:603/436-2993

Robert A. Shaines, Paul McEachern, John H. McEachern, Duncan A.  
McEachern, Gregor Robbins, Dan W. Thornhill, Branch Sanders, Alice  
K. Page, Matthew T. Brock, Daniel C. Hoyle, Pamela D. Kildrege,  
William B. Gamble, R. Timothy Phoenix, Fred J. Madigan (retired)

Acknowledged by card.

Mr. Samuel J. Chilk  
Page Two  
May 27, 1987

The Commission therefore understood, and accepted, that certain nuclear facilities might not receive operating licenses where State and local governments refuse to implement or approve inadequate emergency plans. Mr. Parler's comments contravene the Commission's prior position that State and local governments have final authority over issues of public safety.

2. The proposed rule would deny State and local governments the traditional and exclusive authority to protect the health and safety of its citizens. Under the proposed rule, even if State and local governments determined that emergency plans would not adequately protect EPZ citizens, that determination could be overridden merely by the utility demonstrating a "good faith and sustained effort to obtain the cooperation of the necessary governments." The proposed rule thereby impermissibly infringes upon the traditional police powers of State and local governments and exceeds the authority granted to the Commission under the Atomic Energy Act.

3. The proposed rule would substantially compromise the public safety by permitting a utility to obtain an operating license whether or not the utility can demonstrate reasonable assurance that adequate protective measures can and will be taken for the public.

The proposed rule would authorize a return to the pre-TMI exclusive reliance upon design safety features as the sole means for protection of the public.<sup>2</sup> Emergency planning would be required only to the extent it did not impede nuclear power development. Adequate public protection would be sacrificed for mere "achievable" emergency planning.

4. The proposed rule, if adopted, would represent arbitrary and capricious action by the Commission since "the rule changes . . . are not dependent in any way on new information about nuclear plant accident source terms, probabalistic risk assessments, or scientific studies of the

<sup>2</sup>

THREE MILE ISLAND, Volume 1, A Report to the Commissioners and to the Public, Mitchell Rogovin, Director, Nuclear Regulatory Commission Special Inquiry 1980.

Mr. Samuel J. Chilk  
Page Three  
May 27, 1987

risk reduction potential of emergency planning." 52 FR 99883 (1987). The proposed rule is therefore not a "rule" at all, but rather a sanction directed specifically against the State governments of New York and Massachusetts, and certain local governments in proximity to the Seabrook and Shoreham plants, that refuse to approve inadequate emergency plans. The proposed "rule" lacks technical support and lies outside the Commission's rulemaking authority.

5. The proposed rule would contravene the Commission's prior policy that a utility's financial investment in a nuclear facility will not influence the Commission's decision whether to grant an operating license. Seacoast Anti-Pollution League v. NRC, 690 F.2d 1025, 1030 (D.C. Circuit 1982). The proposed rule thereby radically departs from prior Commission and judicial precedent by elevating economics over public safety.

6. FEMA recognizes that the proposed rule "incorporates a fundamental change in the way that offsite emergency planning would be evaluated by FEMA."<sup>3</sup> The rule "would eliminate the need for full-participation exercises" by State and local governments . . . although substitute personnel cannot demonstrate emergency preparedness "in any meaningful sense." Lack of emergency training by State and local governments "would also increase the risk to the population of the affected emergency planning zones" . . . and lead to the "unfortunate consequences" of ad hoc governmental response in an actual emergency. The Town of Hampton concurs that the proposed rule is a gross deviation from established emergency planning standards, and represents a significant reduction in the level of meaningful emergency planning, and protection, for the public.

<sup>3</sup>

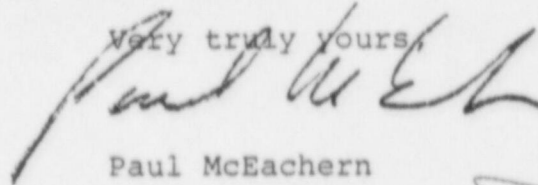
See FEMA Comments on Proposed Rule, April 28, 1987, to Mr. Samuel J. Chilk, Secretary, U.S. NRC.

Mr. Samuel J. Chilk  
Page Four  
May 27, 1987

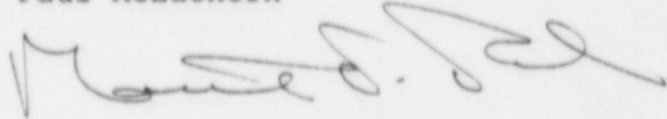
CONCLUSION

The proposed rule exceeds the Commission's rulemaking authority, unreasonably compromises the public health, and contravenes the Commission's own post-TMI policy requiring independent protection to the public through adequate emergency planning. The proposed rule should be rejected.

Very truly yours,



Paul McEachern



Matthew T. Brock

MTB/jlr

Reid B. Morrison  
180 Beacon Street  
Boston, MA 02116

DOCKET NUMBER PR-50  
PROPOSED RULE (52 FR 6980)  
EMERGENCY PLANNING

5/20/87  
DOCKET # NRC  
'87 JUN -1 P3:05

4798

To: N.R.C.

I hope you do change the emergency planning process rule so the Seabrook plant can start to go online as fast as possible. We need it now! Reid Morrison

OFFICE OF SECRETARY  
DOCKETING SERVICE

### Federal Power Over Nuclear Power

Should nuclear power be regulated by the Federal Government or the states? Only Washington has the technical expertise and the duty to weigh the national interest. But states including New York and Massachusetts refuse to cooperate in emergency evacuation plans for the plants at Shoreham and Seabrook, effectively blocking their start-ups. The staff of the Nuclear Regulatory Commission now proposes to remove this veto power. That would be a welcome and overdue step.

The states got a foot in the door of nuclear plant licensing after the accident at Three Mile Island in 1979. The Nuclear Regulatory Commission told utilities to prepare to evacuate people from a 10-mile radius around nuclear power plants in the event of a radioactive release. That required the cooperation of local authorities, but it seemed inconceivable to the commission that any would refuse to help prepare its citizens for crisis.

Local authorities like Suffolk County and the Governor of New York saw non-cooperation as a weapon against power plants they opposed, especially where the start-up would sharply increase local electric bills. The commission found it had

shared its prerogative to license plants with every municipal orator and antinuclear governor.

Giving local authorities a veto power over new plants means none will be built. That's a decision that affects the national interest and only Washington should make it. The Nuclear Regulatory Commission ceded states this power by regulation, and now proposes to take it back by modifying the regulation. There's no question of usurping states' rights or police powers. All that the commission staff proposes is that plants should be licensed once a reasonable emergency plan has been drawn up, even if the local authorities say they won't cooperate.

Fabian Palomino, Governor Cuomo's principal adviser in preventing Shoreham from going on line, says that for the commission even to consider such a step would be "a shameless act and a total abandonment of any sense of responsibility." To the contrary, it's Mr. Cuomo's behavior that compels the commission to rescind the power it assumed the states would handle responsibly.

If Congress wants the states to set nuclear policy, let it pass a law. Meanwhile, the commission has already delayed too long in restoring its authority.

more

DS10:

add: P. Crane, H-1035  
J. Lane, 266 PHIL

Acknowledged by card.

PETER DEL PESCE

2220 ROUTE 106, MUTTONTOWN, NY 11791 (516) 921-3301

DOCKET NUMBER PR-50  
PROPOSED RULE (52 FR 6980)  
EMERGENCY PLANNING

4800



'87 JUN -1 P4:47

OFF  
300W

May 23, 1987

Secretary of the Commission  
N. R. C.  
Washington, D. C. 20555

att: Docket Clerk

Dear N. R. C.,

I live on Long Island and I am very concerned about your proposed rule change concerning emergency evacuation planning for nuclear plants.

I urge you to reject the proposal to eliminate state and local government participation in evacuation planning.

I am opposed to this reduction in safety standards.

Sincerely  
Mr & Mrs P. Del Pesce

4802

Dept Neurobiology & Behavior  
State University of NY at Stony Brook  
Stony Brook, NY 11794 --  
May 20, 1987

'87 JUN -1 P4:02

Secretary  
US Nuclear Regulatory Commission  
Washington, D.C. 20555

OFFICE  
DOCP

Dear Sir:

As residents of Long Island, NY, we are horrified that your agency would seek to change the rules for licensing nuclear power plants and make them weaker, rather than stronger.

Nothing is worth the risk of a nuclear accident on Long Island.

Your agency appears to be promoting the interests of the utilities, at the expense of the American people. Therefore, now more than ever, we need guidelines for power plant regulation that are as strict as possible. Once on line, the inevitability of human error presents neighbors of these plants with little hope for a long life.

Please do not weaken, rather than strengthen, your rules.

Sincerely,  
Dr. Karen A Manning

EMERGENCY PLANNING

Box 70  
North Eastham  
Cape Cod Mass  
'02651

87 JUN -1 AIO 2.

APR 15 1987

OFFICE OF THE  
DOCKET BRANCH

April 9, 1987

Hon. Garry L. Studds  
1501 Longworth House  
Office Building,  
Washington, D.C. 20515

Dear Congressman -

It is my understanding that the Nuclear Regulatory Commission is considering changing its rules regarding off-site emergency planning at nuclear power plants sites.

I believe that the present existing Commission regulations on emergency planning were adopted as a means of protecting the public following the accident at the Three-Mile Island nuclear power plant in 1979.

I firmly believe the current regulations requiring state and local participation in the emergency planning process are sound policy and help to protect the public from potential consequences of a nuclear plant accident.

I would be pleased if you would kindly forward a copy of this letter to the proper party at the Nuclear Regulatory Commission, Washington, D.C.

Thanking you - sincerely  
Kenneth G. Gibson

2350 J  
NGNY  
G.L.  
2350 I  
NGNY

DOCKETED  
USNPC

5-22-87  
87 JUN -1 P5:21

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Dear Sirs:

I understand that the NRC is proposing to change its emergency preparedness rules in order to try to make it possible to license Shoreham.

Please work to keep the rule as it is - we should not change a rule to open Shoreham.

Living here on Long Island (N.Y.) we residents DO NOT WANT Shoreham and never have wanted it. It should not be pushed down our throats / let the people speak - close Shoreham forever! It is a tremendously serious, life threatening business and we do not want it in our backyards!

Thank you - Patricia Carter-Block & John J. Block  
20 NORTHFIELD DR.  
FT. SALONGA, N.Y. 11768

4811

Lydell L. Bergeson  
5 Lincoln Ave.  
Smithtown, N.Y. 11787  
May 22, '87 JUN -1 P5:19

Secretary  
U.S. Nuclear Regulatory Comm.  
Washington, D.C. 20555

OFFICE  
DOCP

Dear Sir:

Please do not change your emergency preparedness rules in order to license Shoreham. Long Island does not need or want Shoreham. There is no safe way to evacuate in the event of a nuclear accident.

Let's not have a Three Mile Island or Chernobyl incident on Long Island. It would be disastrous.

Please help keep Long Island safe.  
Thank you for your help.

Sincerely,  
Lydell L. Bergeson

DOCKET  
USNR **4812**

37 Panorama Drive  
Huntington, NY 11743

87 JUN -1 P7:49

May 23, 1987

Secretary  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

GENERAL SERVICE  
BRANCH

Dear Sir:

This refers to the proposed rule change regarding  
licensing of Shoreham Nuclear Power Plant.

I believe this would jeopardize the safety  
of the Suffolk County population, and I am  
shocked that you would even consider eliminating  
the present requirement for effective emergency  
preparedness.

I wish to register my protest in regard  
to this grossly unjustifiable and life-threatening  
proposal.

Yours truly,

Mrs. Helen Kramer

May 22, 1987

2814

Secretary  
U.S. Nuclear Regulatory Commission  
Washington D.C. 20555

'87 JUN -1 P7:48

OFFICE  
DOCKET

Dear sir:

The NRC's intention to change its emergency preparedness rules in order to try to make it possible to license Shoreham is reprehensible. Such an action defies the principle and spirit of our democratic institutions and completely disregards the welfare of the citizens of Suffolk County.

Please do not allow this to happen.

Sincerely,

Shirley Wallig

530 Pond Path  
P.O. Box 2675

Getanket, N.Y. 11733

4815

101 NORFLEET LA  
CORAM NY 11727  
MAY 4, 1987

87 JUN -1 P7:06

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

SECRETARY  
US NUCLEAR REGULATORY

COMMISSION  
WASHINGTON, DC  
20555

RE. SHOREHAM

Sir,

Please CONSIDER the danger  
to LONG ISLAND Citizens should the  
proposed rule change be adopted.  
The EVACUATION of this Island in  
the EVENT of AN EMERGENCY is impossible.  
ON BEHALF of my three children and  
the children of LONG ISLAND, please  
prevent a needless DISASTER from  
Happening.

Allow this letter to serve as one  
family's vote against Nuclear Power  
use at SHOREHAM

Sincerely

Doris M. JOHNSON

4816

256 Old Country Rd.  
Deer Park, NY 11729  
May 22, 1987

'87 JUN -1 P5:10

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

OFF  
DOCK

To the Secretary:

The people of Suffolk County will never allow the licensing of the Shoreham Nuclear Power Plant. We do not take well to the flawed emergency preparedness proposals we hear; it strengthens us to continue our opposition efforts. We are committed to preserving the safety of our friends and families, and our planet. The people of Suffolk are leading, you will have to follow.

For a Better Tomorrow,  
Yosi Weisberg

DOCKET NUMBER PR-50  
PROPOSED RULE (52 FR 6980)  
EMERGENCY PLANNING

4818

4 Cemetery St.  
Port Jefferson Sta., N.Y. 11776

May 27, 1987

'87 JUN -1 P 7:30

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Secretary:

Please do not eliminate the present requirement for effective emergency preparedness. I live fairly close to the Shoreham plant so I must fight for the safety of my family as well as for the safety of all the people of Suffolk County.

Please do not do this.

Sincerely,  
Susan Scheier

ELAINE B. KLEINMANN  
61 Hartman Hill Road  
Huntington, N.Y. 11743

May 27 '87 JUL 1 P7:39

OFF DOCKET BRANCH

Shoreham,  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Sir:

I wish to express my opposition to the proposed rule change regarding the requirement for effective emergency preparedness for Shoreham. Public safety cannot be jeopardized for any reason.

Long Island, roadways are overcrowded at best. When there is a rainy day they are choked. During a recent snow emergency it took 4 hours to travel 15 miles. If anyone insisted to relocate the Island, during a nuclear emergency that would be disastrous. And any attempt to eliminate the need for effective emergency preparedness would mean suicide for the Island's residents.

Sincerely yours,  
Elaine Kleinmann

May 25 1987  
'87 JUN -1 P7:37

OFFICE  
DOCKET

Secretary  
U. S. Nuclear Regulatory Comm.  
Washington N.Y. 20555

Dear Madam or Sir:

I oppose the NRC adopting the proposed rule change regarding Emergency preparedness for areas near nuclear power plants.

As a Suffolk County resident + voter, I resent my safety being jeopardized to benefit Lillo's opening Shoreham.

Please vote no on this rule change and help ensure the safety of the residents of Suffolk County.

Sincerely

Mrs. Gerolma Russo

841 Park Ave.

Huntington, N.Y. 11743

87 JUN -1 P6:48

Morris Adamow  
25 mabel pl  
merrick, N.Y.  
11566

may 24, 87  
OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Secretary, N.R.C.  
Washington, D.C.  
20555  
Docketing Service Sec.

Dear Sir

I am writing to state that I am  
for the State or Local Govt to  
approve emergency plans before  
licensing nuclear plants.

Respectfully yours.

Morris Adamow

DOCKET NUMBER PR-50  
PROPOSED RULE (52 FR 6980)  
EMERGENCY PLANNING

DOCKETED  
USNRC

87 JUN -1 P5 29

JOHN J. Di SALVO  
86 ROSEWOOD ROAD  
BOX 823  
ROCKY POINT, N.Y. 117  
MAY 21, 198

SIR:

I LIVE IN ROCKY POINT, N.Y. WHICH IS A TOWN  
4 MILES WEST OF LILCO'S FOLLY, "SHOREHAM". WHEN  
I FIRST MOVED HERE IN 1967, I WAS HAPPY WITH  
MY HOUSE AND THE LIFE STYLE. WHEN LILCO  
SAID, THEY WERE GOING TO INSTALL A NUCLEAR  
PLANT, AND I WOULD ALL FOR THEM TO DO IT, BECAUSE  
IT WOULD MEAN CHEAPER ELECTRICITY, AND I  
GUESSED THAT THEY WOULD TAKE A FEW YEARS TO  
BUILD AT A COST OF \$250 MILLION TO \$500 MILLION DOLLARS.  
NOW THE COST HAS RISEN TO \$4 BILLION DOLLARS AND  
STILL RISING. WHAT HAS HAPPENED TO ALL THAT  
MONEY AND WHERE HAS IT GONE. HOW COME YOU  
DONT ASK THEM FOR AN ITEMIZED REPORT FROM  
THE VERY FIRST DOLLAR TO THE \$4 BILLION TO DATE,  
IF THEY CAN SHOW EXACTLY WHAT THEY DID WITH  
THAT MONEY AND PROVE THAT EVERY PENNY WAS  
FOR THE NUCLEAR PLANT, THEN I WILL GIVE THEM  
MY BLESSING. BUT THEY CANT DO THAT AND WON  
DO THAT BECAUSE IT WILL MAKE THE EXECUTIVES &  
STOCK HOLDERS VERY MAD. IT SEEMS THAT MOST  
OF THE PEOPLE WHO WANT THE PLANT TO GO ON  
LINE DO NOT LIVE NEAR THE PLANT, AND THE  
PEOPLE FROM PSC WHO KEEP ALLOWING THEM TO  
INCREASE OUR RATES, ALSO DONT LIVE NEAR THE  
PLANT. WHAT ARE YOU GOING TO DO IF THERE IS  
AN ACCIDENT LIKE RUSSIA HAD LAST YEAR, ARE YOU  
GOING TO SAY, IT WAS AN "ACCIDENT," WELL TO ME  
AN ACCIDENT MEANS PEOPLE ARE CARELESS AND  
NOT DOING THEIR JOBS, AND MANAGEMENT DOES NOT  
PUT PRESSURE TO MAINTAIN THE QUALITY OF WORK

Acknowledged by card.....

DS10:

add: P. Crane, H-1035  
J. Lane, 266 PHIL

10

THAT THE MEN HAVE TO DO, BECAUSE EVERYBODY IS "BUDDY-BUDDY" AT THE PLANT, THAT IS WHAT IS WRONG WITH WORKERS IN U.S.A. ALL THEY ARE INTERESTED IN IS READING THE PAPERS, HAVING A SMOKE, DRINKING A BEER, TALKING BASEBALL AND OTHER SPORTS, TELL ME WHO IN THIS COUNTRY COMES IN AND GIVES THE BOSSES AN 8HR DAY OF WORK, IT IS VERY HARD TO FIND ANY COMPANIES THAT HAVE WORKERS OF THIS CALIBER, THAT IS WHY THE JAPANESE MAKE BETTER PRODUCTS THAN WE DO. IF THIS PLANT WAS BEING BUILT AND MAINTAINED BY 100% JAPANESE I MIGHT GO ALONG WITH THEM TO SEE THAT IT GETS OPEN.

MR. GREGORY BLASS AND MR MICHAEL LOGRANKE WROTE A LETTER THAT WAS PRINTED IN SUFFOLK LIFE NEWSPAPER, MAY 20, 1986, AND THEY SAID TO WRITE TO YOU TO SEE THAT THEY DO NOT OPEN "SHOREHAM." LILCO WILL NEVER GET A WORKING EVACUATION PLAN BECAUSE THEY ARE A HOSTILE COMPANY IN A HOSTILE COUNTY IN LONG ISLAND AND REALLY DID NOT TRY TO GET AN EVACUATION. I AM SURE IF THEY ASKED THE PEOPLE OF LONG ISLAND FOR PLANS, THEY WOULD COME UP WITH SOME IDEAS, BUT SINCE HURRICANE "GLORIA" IN SEPTEMBER 1985 HIT LIS AND WE AND OTHER PEOPLE WERE WITHOUT ELECTRICITY FOR UP TO 8 DAYS AND 10 DAYS, PEOPLE HAVE TURNED AGAINST THEM, STARTING WITH THEIR CHAIRMAN WHO REFUSED TO COME BACK FROM VACATION AND ORGANIZE THE CLEANUP OF LONG ISLAND, IF HE HAD CUT HIS VACATION SHORT AND RETURNED IMMEDIATELY AND WENT IN THE FIELD WITH A HARD HAT AND SHOWED HIMSELF WITH THE

ORDINARY PEOPLE OF LONG ISLAND INSTEAD OF BASKING IN THE "SUN" AND NOT GIVING A DAMN FOR US, THE PEOPLE OF LONG ISLAND WOULD BE BEHIND FOR HIM 100% INSTEAD OF AGAINST HIM LIKE THEY ARE NOW.

I BELONG TO A HAM RADIO CLUB ON LONG ISLAND CALLED, RADIO CENTRAL AMATEUR RADIO CLUB WHERE WE HAVE OUR MEETINGS AT SHOREMAN RECREATION CENTER ABOUT 2 MILES FROM THE PLANT, WE HAVE OVER 100 MEMBERS ON OUR CLUB AND I KNOW THE FIRST THING WOULD BE THEIR FAMILIES IN CASE THEY WERE AT WORK WHEN AND IF THERE WAS AN ACCIDENT AT THE PLANT. AS A MEMBER OF THE RADIO CLUB I HAVE WORKED ON A PLAN OF EVACUATION FOR THOSE MEMBERS WHO WOULD NOT BE AT HOME IN CASE OF AN ACCIDENT AT THE PLANT. I WILL PUT THIS PLAN TO MY MEMBERS ONLY WHEN SHOREMAN GOES ON LINE, NOW IT IS ON MY SHELF NEAR MY RADIO, THIS PLAN COULD BE USED BY LILCO FOR AN EVACUATION, I AM SURPRISED THAT THEY HAVE NOT COME UP WITH THE SAME IDEA. YOU HAVE TO REMEMBER THAT THERE ARE 24 HOURS IN A DAY AND YOU CANT HAVE AN EVACUATION DRILL AT 1:30 PM IN THE AFTERNOON JUST TO PLEASE THE OFFICIALS AND THE NEWSPAPERS. I WILL ONLY DISCLOSE THIS PLAN TO YOU IF "SHOREHAM" GOES ON LINE. THIS PLAN IS ONLY FOR MEMBERS OF MY RADIO CLUB, BUT IT CAN BE UTILIZED FOR ANYBODY IN THE 20 MILE AREA OF SHOREHAM. I SAY TO YOU DONT CUT THE REQUIREMENTS TO OPEN SHOREHAM, START MAKING REQUIREMENTS STIFFER IN THE U.S.A. AND MAYBE OTHER COMPANIES WILL FOLLOW YOU AND ALL COMPANIES WILL DO THE

THE SAME AND THE U.S.A. WILL BE ABLE TO  
BE NO. 1 AGAIN THE WORLD AGAIN AS A  
COUNTRY TO RECON WITH.

YOURS TRULY  
John J. DiSalvo

'87 JUN -1 P2:57

Laura J. M. Crumack

777 Bohemia

Bohemia, NY 11716

OFFICE  
DOCK

May 13<sup>th</sup>, 1987

Nuclear Regulatory Commission,

I am a resident of Suffolk County, the proud mother of a beautiful 3-year old boy. I am writing to express my opinion that the licensing of Shuckham at any power level would be detrimental to our health and safety.

I was of the opinion that it was necessary for state and local government to approve an emergency evacuation plan before talk of licensing could even begin. Our state and local governments have a right to participate in emergency evacuation planning for damn good reason, they should be able to safely and quickly evacuate. Why have the rules changed in the middle of the game?? How can you ever consider licensing Shuckham-

DS10:

add: P. Crane, H-1035  
J. Lane, 266 PHIL

10

Acknowledged by card.....

without the support of our local government?

Do the people have no voice in their own lives anymore? Shuckham and the people of Hills know from 1971 that nobody in Suffolk County wanted a Prison Power Plant on an Island that has severe traffic problems at rush hour. To grant a license to Shuckham at any power level would surely jeopardize our health, safety and peace of mind.

In summation, I demand that you hear my voice and not grant the licensing of Shuckham at any power level.

Sincerely

Edward J. McCune

DOC

'87 JUN -1 P7:27

OFFICE OF  
DOCKETING  
BR

3 Eastwood Drive  
May 24, 1987  
East Northport, NY 11731

Secretary:

Being in the nursing field, I find myself compelled to reply to the proposed rule change to business hours.

There is no possible emergency exit from Long Island. Clogged highway at most times would prevent most of us from leaving. The disaster would be unimaginable and truly devastating.

It is imperative that the emergency preparedness rules not be changed to accommodate the troubled area.

Sincerely,

Mary Ann Barbieri R.N.

4930

139 7th St  
No. Lindenhurst  
N.Y. 11757  
23 May 1987

'87 JUN -1 P6:25

OFFICE  
DOCK

Sec. Samuel Chilk  
U.S.N.R.C.  
Wash, D.C. 20555

Dear Sir.

I strongly oppose the NRC's efforts to license "Shoreham" by eliminating the requirements for a state approved emergency plan. So does my wife. The first law in life is self preservation.

Forcing this down our throats will only result in great civil obedience. The interests of the people must be considered, not that of a utility that doesn't give a damn about the people. Their interest is strictly business as usual.

I urge to decide against this thoughtless, self serving bill for the benefit of the LLCO.

Yours truly  
Edward Hudock