

**ADAMS Template: SECY-067**

**DOCUMENT DATE:** 06/26/1986

**TITLE:** PRM-050-042 - - PETITION FOR RULEMAKING FROM  
GOVERNOR CUOMO, STATE OF NEW YORK, REQUESTING  
AN EMERGENCY EVACUATION PLAN AS A CONDITION TO  
LOW POWER TESTING

**CASE REFERENCE:**

PRM-050-042

**KEY WORD:** RULEMAKING COMMENTS

Document Sensitivity: Non-sensitive - SUNSI Review Complete



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

DOCKETED  
USNRC

MARIO M. CUOMO  
GOVERNOR

86 JUL -1 A9:26

DOCKET NUMBER

PETITION RULE PRM-50-42 June 26, 1986

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

SERVED JUL 1 1986

Dear Dr. Palladino:

I respectfully request that the Nuclear Regulatory Commission (NRC) consider changing its regulations or the interpretation thereof so as to require an approved offsite emergency evacuation plan as a condition to low-power testing at any nuclear facility.

I also request that, pending completion of this re-evaluation of its regulations, the NRC stay low-power testing at the Shoreham nuclear facility and other nuclear facilities where a low-power license has been authorized and there is no approved offsite emergency evacuation plan.

As you know, Chernobyl was operating at only six to seven percent of power when the April 29th accident occurred. This raises numerous questions for the nuclear power industry and for the NRC. Among the issues which I believe the NRC should consider in light of Chernobyl are:

- a. Does Chernobyl indicate that low-power testing can pose far greater risks to surrounding populations than previously asserted?
- b. Can a serious accident with widespread geographic effects occur even when a nuclear power plant is operating at low-power levels?
- c. Should an offsite emergency evacuation plan be required for low-power testing?
- d. What level of risk, if any, is considered acceptable by the NRC, even without an emergency evacuation plan?

Dr. Palladino  
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I have previously suggested answers to several of these questions. In particular, I proposed that low-power testing not be permitted without approval of an offsite emergency evacuation plan. The Chernobyl incident only serves to strengthen the case for such a policy. I ask that you reconsider it and require an approved offsite emergency evacuation plan as a condition to low-power testing. I also request that you stay such testing at the Shoreham nuclear facility until such an evacuation plan has been approved.

Sincerely,

A handwritten signature in cursive script, reading "Mariotti Cuomo".

Honorable Nunzio J. Palladino  
Chairman  
Nuclear Regulatory Commission  
Matomic Building  
1717 H Street, N. W.  
Washington, D. C. 20555